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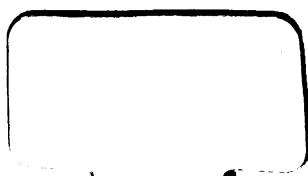
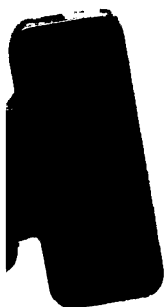
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Burt Franklin: American Classics of History and Social Science Series 4

R E M A R K S

CONCERNING THE

GOVERNMENT AND THE LAWS

OF THE

UNITED STATES

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R E M A R K S
CONCERNING THE
GOVERNMENT AND THE LAWS
OF THE
UNITED STATES
OF
A M E R I C A:
IN FOUR LETTERS,
ADDRESSED TO
M R. A D A M S,
FROM THE FRENCH OF THE
A B B É D E M A B L Y

Burt Franklin: American Classics of History and Social Science Series 4



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REMARKS, &c.

LETTER I.

General and preliminary Observations.

S I R,

I HAVE just read, with all the attention which it was in my power to pay the subject, the different constitutions formed by the United States of America for their respective uses; and, in obedience to your desire, I do myself the honor to submit to your perusal my sentiments concern-

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ing them; but not without expressing my hopes that you will obligingly point out to me the light in which I *ought* to view them.

Whilst almost every European nation remains plunged in ignorance respecting the constitutive principles of society, and only regards the people who compose it as cattle upon a farm managed for the particular and exclusive benefit of the owner, we become at once astonished and instructed by the circumstance that your thirteen republics have, in the same moment, discovered the real dignity of man, and proceeded to draw from the sources of the most enlightened philosophy those humane principles on which they mean to build their forms of government.

Happily for *you*, the kings of *England*, when granting to your ancestors charters for the establishment of your colonies, suffered

ferred themselves to be guided by their prejudices and their passions; and were actuated solely by ideas which sprang from avarice and ambition *. By disengaging themselves from a multitude of citizens, who hung upon them like a dead weight, they saw before them the rise and establishment of new provinces destined to increase the majesty of the British empire. At the same time, they flattered themselves with the prospect of opening a fresh source of riches for the commerce of the mother-country; and felt a desire to lead *you* forward to prosperity, in order that *they* might enjoy even more than yourselves the benefits attendant on its progress. *You* must have been lost beyond redemption, had these

* We doubtless, should allow too much to this remark by calling it indisputable. The original charters granted to the American colonists, far from being dictated by the prejudices, passions, ambition and avarice of kings, were congenial with the pure spirit of the British constitution. Nor do the Americans appear to have complained of their primitive nature and views, but of their subsequent violation. K.

princes

princes proved sufficiently conversant with the baneful politics of a Machiaval to impose laws upon you of service to the purposes of their ambition. *Their* ignorance was *your* singular advantage. Not wandering from the track of government in England, they introduced, amongst your ancestors, rules and laws of administration, which, by perpetually keeping alive your recollection that you were the descendants of a free people, invited you to become busied in a close attention to *your common interests*. During a long period, you were sacrificed to the *interests of the parent-state*; and you regarded this offering as a tribute of which justice demanded the payment, in return for an extended and (to *yourselves*) a necessary protection. Subsequent to the last war, during the course of which the French lost their whole possessions on your continent, you discovered that your masters were become enfeebled even by their victories; you felt, at length, your own powers; whilst
the

the court of London, insensible of the change which *her* interests and *yours* had undergone, essayed to cast more galling burthens upon a yoke that pressed too heavily against you ; yet, in despite of this attempt, you had inducements to hope not only for the enjoyment of a happier lot, but for the acquisition of the means of erecting yourselves into an independent power.

Consulting, in points where *you* should have been materially connected, only *their* avarice and ambition, they thus constrained you to remember that you were Englishmen ; and the form of government, to which you had been accustomed from your birth, has rendered the people capable of understanding and feeling the force of the remarks and instructions of meritorious characters, who, in consequence of the exertion of their talents, their prudence, and their intrepidity, became the authors of your fortunate revolution. “ Since Eng-
“ land”

“land” (have they observed) “supposed
 “herself intitled to proscribe the house of
 “Stuart, in order to raise the house of
 “Hanover to the throne, what considera-
 “tion should forbid *us* to throw off the
 “yoke of George the Third, whose go-
 “vernment, more intractable and severe
 “than the government of James the Se-
 “cond, imposes cruelly upon our genero-
 “rosity and our zeal?” The United States
 of America have conducted themselves with
 more magnanimity than the United Pro-
 vinces of the Low-Countries. Far from
 soliciting, like *them*, in every quarter, for
 a new master, *your* efforts were directed
 solely to the act of raising amongst yourselves
 a throne sacred to liberty. In all your con-
 stitutions, you re-ascended to the principles
 of nature; you have established, as a cer-
 tain axiom, that all political authority de-
 rives its origin from the people; and that
 in the people alone rests the unalienable
 right of either enacting, annulling, or mo-
 difying

difying laws, in the moment when they perceive their error, or aspire to the enjoyment of some greater good. You know the dignity of human-kind; and, considering the magistrates of society merely as its delegates and agents, you have united and inviolably attached all the citizens to each other and to the public welfare, by the active sentiment and impulse arising from the love of your country and of liberty. May these ideas prove more than the effects of transient fondness! May they shed their happiest influence over all your deliberations, and cement and strengthen, from day to day, the foundations of your federal republic!

It is a great advantage for the Americans, that the thirteen States have not confounded together their rights, their independence and their freedom, for the purpose of forming but one republic, establishing the same laws, and acknowledging the same magistrates.

trates. I should suppose myself to have discovered in this conduct of the colonies a certain fear; a certain distrust (unfortunately ominous) of themselves, and, in particular, a rooted ignorance of that which constitutes the real power of society. Amidst this vast extent of country which you possess, how could it have been possible firmly to have established the empire of the laws; to have prevented the several springs of administration from becoming relaxed; in consequence of their distance from that centre to which they were indebted for their powers of motion; and, equally to have cast the same vigilant eye through every quarter, for the purpose of either hindering abuses, or forcing them to disappear? Unavoidably *must* you have perceived a relaxation of manly firmness; a degradation of morals; a love of liberty giving ground to licentiousness; and soon would you have degenerated into a republic, either languishing through all its frame, or agitated by
 seditions

seditions, which must totally have dismembered it. The contrary measure which the colonists have adopted, by forming a foederal republic, each preserving its independence, may impart to laws the *whole* of *that* force which is so necessary to secure for them an inviolable respect. In every place the magistrate may be present. This truth you have experienced, during the seven years whilst the English were rashly engaged in the prosecution of a war, of which the object was to reduce you to unconditional submission. *Then* did an emulation arise through all the United States, which inspired them with the same courage and with the same wisdom. Bound together by the great link of a continental Congress, not even a single one of your provinces has wavered in the execution of its duty ; but *all* exerted themselves in mutually contributing to the aid of *all*.

Cordially do I wish that this earliest sense of union and of concord, which you have inherited from your birth, may deeply strike its root, and grow powerful in your hearts; that time and the continuing experience of these benefits which you enjoy may convince you that it is not possible for you to be happy at the expence of each other. One inestimable advantage which I look for, as the natural result of your federation, is, that you will become preserved from that wretched and abominable ambition which induces all nations to regard their neighbors as their enemies. At ease, and under the protection of the continental Congress, happy in your mutual and perfect security, you will rise superior to the emotions of the least jealousy, the least envy and the least hatred; and you will present in America the same spectacle which the people of Switzerland held up to Europe; to Europe that wants the wisdom to admire them.

The

The continental Congress, this new *Amphibionic* council*, formed, indeed, under happier

* Greece enjoyed the advantage of a supreme council, composed of delegates (from the principal cities) who were called *Amphibionis*, after *Amphibion*, the son of Deucalion, and king of Athens, who instituted this memorable assembly†; framed and gave the force of laws to its respective statutes; marked out the nature and extension of its powers, and appointed the cities which were to send to it their several representatives. At the expiration of one hundred and forty years from the establishment of this institution, Acrisius, the son of Abas, and king of Argos, increased the privilege of the *Amphibionis*, augmented the number of the cities empowered to elect deputies, and somewhat altered the constitution and form of this assembly. Under these different epochs, several writers have made a distinction of two kinds of *Amphibionis*; the ancient *Amphibionis*, established by *Amphibion*, and the new *Amphibionis*, instituted by Acrisius. But, in fact, the King of Argos only matured into perfection the less accomplished plans of the king of Athens. Authors of the best authority (and, amongst these, Strabo and Pausanias) mention twelve of these *Amphibionis* elective bodies. Æschines, indeed, confines the number to eleven, completing which were the Theſſalians, the Beotians, the Dorians, the Ionians, the Pyreneans, the Magnesians, the Locrians, the Oetians, the Phriotes, the Maleans and the Phœceans. Probably, the name of one of these people may have been lost through the negligence of the transcribers; nor is it unnatural to presume that, in *this* list, the Dolopes were included. It is, at least,

† Fifteen hundred and nineteen years previous to the commencement of the Christian era; and six hundred and six years before the foundation of Rome.

happier auspices than that of ancient Greece,
must become the common centre where all the
parti-

certain, from the testimonies of the ancients, that the Dolopes enjoyed the rights and privileges of the *Amphidionet*. A modern author * imagines (and, not without some tolerable foundation) that, during the infancy of this establishment, and even for a considerable time beyond it, the Delphians and their neighbours alone enjoyed the privilege of sitting within the assembly of the *Amphidionet*, to the exclusion of all the other more remote people of Greece; that *then* only the twelve Cities, named by the ancient writers, were intitled to aspire to this dignity; but that, *afterwards*, the *extreme need in which all the Greeks stood of mutual assistance brought each into the equal and full attainment of this honor*; and that such was the intention of the founder, who instituted this assembly with the view of creating and inviolably preserving a firm union amongst *all the Greeks*; and of *thus* rendering the welfare and the security of Greece durable for ages. It appears from a decree of the *Amphidionet* (as handed down to us by Demosthenes) that this company was stiled the "*Common Tribunal of all the Greeks*:" and, in fact, it *was* the General Assembly of Greece †. Each city, invested with *Amphidionic* rights, elected and sent two delegates to the States-General. Of these, one was commissioned to watch over the interests of religion; for, the *Amphidionet* were; likewise, the protectors of the Oracle of Delphos, and the guardians of the great treasures of the

* See "*Dissertation sur les Amphydions*," in the third volume of "*L'Histoire de l'Académie des Belles-Lettres de Paris*," from the hundred and ninety-first to the two hundred and twenty-seventh page. This part is written by Valois.

† Cicero, in his second Book, "*De Inventione*," calls it "*Commune*

temple.

particular interests will mingle into one mass, for the purpose of constituting a general, perpetual,

temple. The other, acted as the orator deputed to Pylæ, or Thermopylæ. Frequently, a delegation from each of the confederated bodies amounted to three or four persons; but, how numerous soever they might have been, even the whole did not enjoy more than two deliberate voices in the assembly. The Phœceans were excluded from it, because, following the examples of their chiefs, Onomarchus and Phayllus, they had pillaged the temple of Delphos. Philip, the father of Alexander, became the instrument of the vengeance of the Greeks against the people of Phœciæ, during the progress of the sacred war. He insisted that, as a recompence of gratitude, they should make over to him and to his descendants the vacant seat; nor could the *Amphibitions* summon up the virtuous intrepidity to oppose the unjustifiable pretensions of a monarch, whom the extent and magnitude of conquest had raised into the object of universal apprehension. In the sequel, the Phœceans obliterated the turpitude of their degradation, by preserving the temple of Delphos from the ravages of the Gauls, who, under the command of Brennus, had marched into the States of Greece. This act of religion proved the means of re-instituting the Phœceans in the seat of which their sacrilege had deprived them; and they, again, composed a part of the aggregate body of the nation. This supreme tribunal of Greece, the representative body of the States General, assembled twice during the course of the year; in autumn, at Thermopylæ, within a temple consecrated to Ceres, in the midst of an extensive plain, near the banks of the river Asopus; and, in spring, in the temple of Delphos, sacred to Apollo. This tribunal may be said to have collected all the Greeks into one representative body; to have united the republics

petual, and invariable interest. In this august assembly, the delegates of the States must, necess-

publics (independent, except on *this* account, of each other) for the advancement of the same object: the truly virtuous and exalted object of preserving, with unsullied firmness, a state of mutual peace, and of defending their liberty against the encroachments of the Barbarians; and to have enjoyed the power of concerting, of resolving and ordaining the execution of those matters which might, in *their* opinion, appear likely to advance the welfare of the common cause. The *Amphiſtiones* bound themselves, by a solemn oath, to aim at the advancement of the public welfare of Greece, and to preserve from all injury, profanation and dishonor the temple of Delphos. Whilst this body subsisted, each member, admitted to a seat, took the following oath, in full assembly.

" I swear never to destroy any of those cities which are honoured with Amphiſtionic rites; and not to turn the course of their rivers, in times either of peace or war. Should any people attempt to execute an enterprise of dissolagitious nature, I engage myself, under the most sacred conditions, to invade with all the violence of hostilities, their several domains; to reduce their towns and villages to ashes, and to treat them, in every respect, as my implacable and cruel enemies. Should any man become so impious as to dare to steal any of the rich offerings consecrated at Delphos, within the temple of Apollo, or even to facilitate the measures of another in the commission of this abominable crime, whether by lending him the least succour, or only by advising him, I will use my feet, my hands, and all my powers, to bring down vengeance upon the head of so sacrilegious an offender. Should any person or persons endeavour to compel me to violate the oath which I have taken, whether this outrage proceed from a particular individual, or from a city, or from a nation, may this particular individual,

necessarily, acquire the most extended and social views, which, at their return, they will communicate to their fellow citizens. May all the provinces which are circumscribed by settled limits, such as Massachusetts, Connecticut, Rhode-Island, New-Jer-

or this city, or this nation be, thenceforward, considered as execrable, and, under this predicament, may they feel the avenging rage of Apollo, of Diana, of Latona, and of Minerva the Provident! May their land continue perpetually barren! May their women, instead of bringing forth children the images of their fathers, bear only monsters! And may even the animals, ceasing to produce the young of their species, each engender the most unnatural and frightful fetus! May these sacrilegious miscreants feel the bitterness of calamity attendant upon all their fruitless undertakings! Should they engage in any war, may they become plunged in irrecoverable captivity! May the conquerors raze their dwellings even to the ground, and put them, their wives, their children, their families and all their connections to the sword! If, perchance, a single one should escape from this destruction, may he never offer, with acceptance, a sacrifice either to Apollo, or to Latona, or to Minerva the Provident! And may these divinities look with horror and disdain upon their prayers and their oblations.! "* In some respects, the General Diet of Germany bears a resemblance to these ancient States of Greece. In the United Provinces of the Low-Countries, and in the Helvetic Body, we may trace a still stronger similitude to the perpetual confederation of the Achæans. K.

* See "Science du Gouvernement," by M. De Real.

sey,

sey, Delaware, and Maryland, feel no inconvenience or burthen from the intervention of a circumstance which is, nevertheless, an honor to any nation! I speak of that fortunate abundance of citizens, who, sometimes, become a charge to the very government on which they still reflect the highest credit. May these states whom I have mentioned renovate that brilliant spectacle which, during ancient times, arose in Greece, when *her* prosperous colonies constituted in every quarter a new country! I hope that, far from unworthily availing themselves of the multitude of their citizens, in order to acquire conquests, they will send them into such of your provinces as have (if I may venture on the expression) no bounds on the continent, and of which the lands are much in need of cultivators. These plantations will hold in closer and more indissoluble links your union and your interests.

I feel

I feel a pleasure in calling up to your remembrance each circumstance which may contribute to the felicity of America. You entered upon the possession of independence, without ceasing to continue strangers to ambition; and, surely, you will not imitate those European states who have fallen into depopulation, and, of course, into imbecility, by struggling, with force of arms, to fix the settlement and unconditional submission of their Colonies. You know too well the rights of men and nations to suffer barbarous errors, the wretched offsprings of fiefs and chivalry, to impose upon your understandings, as they have deluded the Spaniards, the Portuguese, the English and the French. It is with particular satisfaction that I observe that you now find yourselves in a predicament even more fortunate than the situation of the ancient republics, of whom we admire the wisdom and the virtue; and that you may with less labor imprint on your establishments a character of stability

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which

which renders laws more dear and more respectable.

You are not (Sir!) to be told that the ancient republics were, in a manner, shut up within the walls of the same town, and possessed but an inconsiderable district of territory. All the citizens might, without difficulty, collect themselves together at public deliberations; and these numerous assemblies, in which was resident the legislative power, and against which no person enjoyed the privilege of appealing, were exposed to all the convulsive motions of passion, of infatuation, and of enthusiasm, by which the public order is so frequently deranged. In the midst of these caprices, the laws did not acquire an authority sufficient to mark out and firmly establish the character of the citizens; and, frequently, was the republic indebted for its precarious safety either to good fortune or to some great man who arrived to administer succor to the people,

people, and availed himself of the general consternation, in order to prevent, in future, an abuse of power.

On the contrary, the multitude, amongst the Americans, will prove much less presuming, much less imperious, and, of course, much less inconstant; because the extent of the domains of each republic and the number of its citizens do not admit of the possibility of their assembling all at one time, and in the same place. You have adopted the modern method of dividing the countries into cantons or districts, which deliberate, apart, concerning their respective interests; themselves appointing, and investing with *their* delegated powers the citizens whom they judge the most worthy of representing them in the legislative assembly of the republic. From this circumstance must you become more easily enabled to keep all arrangements in their proper order. Never will the representatives form
so

so large a number as to occasion the danger of their degenerating into a confused and over-crowded multitude. They will stand in awe of the public opinion? and perpetually recollect that they must become accountable for their proceedings to their constituents. Even their mistakes will prove, at worst, a transient evil, because their election is but annual. And thus their errors will serve to enlighten their successors, who may amend the faults of those who went before them. I rejoice to find that, in all your constitutions, you have most religiously respected those rights which were inherent to the people. These constitutions have even taken under their protection those individuals who are not yet members of the republic; because they do not contribute to its expences, and have sold the labor of their hands to masters. With regard to men under the denomination of slaves; men so despised amongst the ancients; men who, at this æra, although bearing,

bearing, in Europe, the empty name of freemen, languish under actual bondage, you have had the fortunate address to attach them to the fate of the republic, by furnishing them with the means of emerging from their situation, and of acquiring a property; a property, which, being the fruit of honest industry, may raise them to the rank and dignity of citizens.

It is in consequence of having followed up these great principles of humanity, that you adopted, under a particular and authentic decree, as a part of your constitutions, the form of trials by juries; a process that includes all which the wisdom of man could have devised to establish between the powerful and the weak, a *kind* of equality, or (to speak in clearer terms) an *actual* equality. You have confirmed each citizen in the enjoyment of this first and most essential security, which places him above the grasp of enemies more mighty than himself. Even
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the magistrate cannot prostitute his power to the service and gratification of his particular passions, under the insidious pretence of watching over the preservation of the public safety. Without exaggerating the point, might we remark that, amongst the majority of the states of Europe, a criminal jurisprudence has been instituted only for the sake of suffering the government either to screen the guilty, whom it might basely feel an interest in saving, or to destroy its innocent enemies even by an administration of that ostensible justice which is rendered shockingly subservient to its will. *You* do not experience (and Heaven forbid that you ever should experience!) these clandestine and secret proceedings, capable or so intimidating innocence that it may become confused, troubled, checked, crossed and driven from that cool presence of mind, that tranquil possession of itself which is indispensably requisite for the convincing and successful management of its vindication.

tion. You will always remember that, by an endeavor to deprive you of the beneficent security resulting from juries, in order to render you amenable to a London tribunal, England has struggled to cast you down beneath the violence and the pressure of *her* tyranny. You perceive that to this salutary jurisprudence the *English* are indebted for the remains of liberty which they as yet enjoy, and for that national spirit which supports them, even in their decline. Whilst the great and the opulent are base enough to sell themselves to ministers, what would become of the nation, were the people once deprived of the protection of juries, and thrown open and defenceless to that oppression which never ceases to accompany all arbitrary judgments? The nation would lose its intrepidity and haughtiness: these *last* resources of England *. The United States

* The trial by juries is, certainly, a great *Palladium* of our liberty; yet, not to this alone, but to other flourishing and totally unvio-

States of America can have nothing to fear upon this account, if they never cease to recollect that the authors of their first constitutions have recommended to the legislative power the care of tempering and rendering more lenient those laws which are too severe; which either debase or alarm the heart; and which, not being proportioned to the nature of crimes, can only lead

unviolated principles of our constitution are we obliged for (what the Abbé de Mably appears inclined to call the remnant of our) freedom; freedom, which is, perhaps, safer from the reflexion, natural to despotic minds, that the birthrights of others have not been stricken at with impunity. In this, as in all other countries, numbers of the great and rich will sell themselves to kings and ministers; but it is not *their* strong arm which can pull down the fabric, or even shake the pillars of the constitution. The attempt is equally beyond what any set of tyrants in England would dare to prosecute, or the majority of its inhabitants would suffer. Courage may, indeed, prove one of the ultimate (and successful) resources of the latter; but, it must start up more as the effect than cause; as the fruit of an impassioned, practical and invincible regard for *public virtue*! Let the collective body of the people cultivate *this*; or, rather, let them unite it with all the *private excellencies* of the heart, and no despotism shall *ever* shake them. They shall become truly greater, although the dismembered portion of a once-extended empire, than they could justly call themselves in all their former plenitude of power. K.

citizens

citizens less enlightened and incapable of reasoning upon the subject into a multitude of errors. Such men have no ideas of morality except those which are imparted to them by the laws ; they will perplex themselves concerning the nature of their duties, and not discover what are the vices the perpetration of which it behoves them the most studiously to avoid.

Having signified my hopes, it will not become me to conceal my fears. I subscribe to your opinion that a democracy ought to serve as the basis of every government, the leading views of which are to facilitate and accomplish the best possible arrangements in favor of the citizens. And, indeed, perpetual experience has convinced us that it is only by this mode that the multitude can learn to feel an interest in the welfare of their country, and, serving it with equal zeal and courage, to associate themselves, in some degree, with the wisdom of their conductors.

E

ductors. Yet, at the same time, you, doubtless, will allow that this democracy must be managed, attempered and established with the greatest prudence. Let me intreat you to keep in view the incontrovertible position that the multitude, degraded by various wants and those particular occupations which condemn them to remain plunged in ignorance, and overwhelmed with low and abject sentiments, enjoy neither the means, the leisure, nor the opportunity to raise themselves, by their meditations, into the power of investigating and following up the principles of a well-regulated system of judicious politics. Suffering themselves to be governed intirely by their prejudices, they will measure their judgment concerning the welfare of the state by their own particular interests, and ascribe wisdom to that alone which they have found useful.

It is not possible for the people to suppose themselves free without experiencing an inclination

clination to abuse their liberty, because the nature of their passions continually stimulates their endeavours to live more at ease. The hopes which they indulge prepare their minds for greater indocility; they cannot avoid envying the lot of their superiors, and, consequently, they become anxious either to exalt themselves into equal eminence, or to reduce those citizens who are above them to a level with themselves. What follows? Those of the first class have, also, *their* passions, which (if I may use the expression) take fire at the pretended insolence of the people. They will accuse them of forming projects for their own aggrandisement, even whilst they yield only to the current of arising circumstances. They must endeavour to appease, and they will irritate them. For the purpose of preserving their credit, they will seek to augment it; and (*such* is the delusion of the passions! that) aspiring soon to tyranny, they will consider themselves as labouring firmly to establish

establish the public peace and order. On these occasions, the temper becomes exasperated; to the first injustice succeeds, of course, a second; and one injury treads quick upon another. The only system of politics becomes revenge. Revolutions follow each other, and fortune alone decides concerning the fate of the republic. Arguing in this manner, I cannot easily suppose that I am led away by groundless apprehensions. The occurrences which have constantly taken place, amidst all nations, where the liberty of the citizens was not established and fostered with a degree of prudence equal to that recorded to have prevailed at Lacedæmon, ought to serve as a lesson to legislators not to employ democracy in a republic, but with extreme precaution.

I shall, perhaps, be told, that the laws of America are borrowed from the laws of England, the wisdom of which has proved
a theme

a theme of praise and admiration to a multitude of writers. I grant ~~the~~ fact; but, for the sake of *your* happiness, I wish that it were possible to dispute it. In *your* laws do we perceive the spirit of the English laws; but, let me intreat you to take notice of the prodigious difference which exists between *your* situation and that of England. The English government received its form in the very midst of the barbarism of the fiefs. It was imagined that William the Conqueror and his successors alone possessed the whole public power; and so far were the People from not supposing that they were born to servitude, that even the barons conceived that they held their prerogatives as dependent upon the munificence of their prince. It is a truth which cannot be disputed, after an attentive perusal of the Great Charter which the barons extorted from John Lackland, and which became, at once, the principle of all the convulsive motions experienced by the nation,

and

and the rule of conduct to which it has adhered even to the present time, for the purpose of establishing the liberty it still enjoys. Thus, by slow degrees, was formed the national character of the English. Each became gradually habituated to the station which he fills, and long custom has associated the ambition of the prince and the freedom of the subject.

The United States of America attained to their present form by a manner totally different ; and *their* laws are not the work of many ages and of a thousand contrary circumstances which have succeeded to each other. The commissioners or delegates, who regulated their constitutions, adopted the true and wise principles of Locke, concerning the natural liberty of man and the nature of government. But, was not the passage from the situation in which you found yourselves under the dominion of England to that wherein you now stand rather

rather too unexpected, rapid and abrupt? I fear lest the minds of your countrymen should not have been sufficiently prepared for its reception: and I have, frequently, remarked, to several of your fellow-citizens, that I felt myself too sincerely concerned in whatsoever fortune might attend them not to wish for such a war as, by its length, must tend to the correction of their prejudices, and inspire them with all those qualities which ought peculiarly to constitute the characteristics of a free people.

Give me leave to ask you, whether, in the formation of your new laws, you have taken care to render them properly commensurate with the understanding, propensities and passions of the multitude, which is never sufficiently enlightened to draw the line between liberty and licentiousness. Has not more been promised to them than you are either inclined or able to perform? If it be true that, as a natural result of your connection

nection with England, a seed of aristocracy has arisen amongst you, which will continually endeavour to increase and to extend itself, does it not follow that you have acted rather with imprudence by attempting to establish too unqualified a democracy? This were to throw the laws and manners into a state of contradiction against each other. In my opinion, you would have adopted a less exceptionable plan, if, instead of awakening, by the intimation of splendid prospects, the ambition and the hopes of the people, you had simply proposed that they should emancipate themselves from the yoke of the court of London; and that they should confine their obedience to those magistrates to whom the mediocrity of fortune might have suggested the necessity of conducting themselves with modesty, implanting, at the same moment, in their hearts, so sincere and friendly an attachment to the public welfare, as *must* lead them to regulate the rights of their fellow-citizens in such a manner,

manner, as not to leave them any room to dread even the most trivial exertion of injustice. In particular, was it requisite to throw fetters upon the aristocracy, and to enact laws for the purpose of preventing the rich from making a criminal and pernicious use of their opulence, and from buying an authority which ought *never* to belong to them.

I should imagine that the American constitutions must have placed you in the same predicament wherein the Romans stood at the period immediately subsequent to the expulsion of the Tarquins. In order to attach the people to the cause of liberty, the patricians amused them with the most pompous promises. They seized upon the whole power of the state, whilst the plebeians flattered themselves that, on *their* side, no obedience would be exacted from them which was not due, particularly to the laws. The first made an abandoned use of their
F authority

authority and weight; the last were too high spirited to assent to this encroachment *; and thus, from such opposing interests arose all the dissensions which predominated in the public forum.

You, certainly, will answer that it is no misfortune for the United States of America to resemble the Romans, whose republic has presented us with a grand and admirable spectacle, and established its empire over every part of the world to which its arms had reached. I shall beg leave to answer that, in fact, the present age does not produce

* The inflexible resolution with which the plebeians opposed a most atrocious set of tyrants, and, in some measure, secured their privileges from invasions which were calculated, ultimately, to destroy them, appears to merit even a more favourable description. Of the shameful inequality which prevailed in the division of lands between the patricians and the plebeians, and of the monopolizing avarice of the former, we have a striking picture in the words of Livy *. “Auderentne” postulare ut quum bina jugera agri plebi dividerentur ipsi

* See the fifth book.

“plus

duce a nation which would not feel ample reason to console themselves on their resemblance to the Romans in their faults, provided that the similitude held equally between them with respect to those actions which bore the marks of greatness, of wisdom and of magnanimity*. But, unfortunately,

“ plus quinquaginta jugera habere liceret ? Ut singuli propè trecentorum civium possiderent agros, plebeio homini vix ad sectum necessarium, aut locum sepulturae suus pateret ager !” The English and the American reader will, doubtless, feel a painful motion of surprise, should they discover that Montesquieu (of whom the late Earl of Chesterfield has finely remarked, that “ his works will illustrate his name, and “ survive him, as long as right reason, moral obligation and “ the true *Spirit of Laws* shall be understood, respected and maintained) experienced the shameful “ *difficulty of determining*” (to use his own words) “ *whether the insolence with which the plebeians made their demands, or the easy concession with which the senate granted them was the greatest !*” K.

* A cool and ample investigation concerning this subject (of which, however, the narrow limits of a note will not admit) might, perhaps, prove that the generality of the almost unqualified encomiums so bountifully lavished upon the Romans (spring rather from the strong impulse of literary fashion than the mature decisions of impartial criticism. The country which, after serious reflexion, could console itself on a resemblance to the Romans in their criminal characteristics, provided

nately, our modern manners will not permit us any longer to indulge *such* hopes;
and

vided that the similitude held equally between them with respect to those actions which bore the marks of greatness, of wisdom and of magnanimity, must be detestably ambitious, and (with an equal share of turpitude and ignorance) content to sacrifice the best emotions of the human heart for the fallacious splendor of a name. Were the Romans happy? Was it fortunate to live at Rome? These are important questions. And some (though not the multitude amongst the more discerning) writers have answered in the negative. Amidst their infant state, were not the Romans, almost perpetually, ambitious in their projects, fierce in their modes of government and ferocious in their manners? What examples to the contrary arose, from the æra of the assassination of Camillus to the proscriptions of Sylla? Were not the succeeding epochs marked by famines, contagions and miseries of every kind? Did not war become desirable? Or, rather (to borrow the fine expression of a modern author) could the tears of the people have been dried up, until the streams of human blood began to flow? Saint Augustin, granting that, perhaps, these continual wars were necessary to the aggrandisement of the Romans, pertinently asks: what individual would wish to acquire a gigantic stature at the expence of his health *? Look at the revolutions during the time of the Gracchi, of Marius, and of Sylla. *Then*, did the Romans enjoy a measure of felicity sufficient to make their condition envied and their forms of government admired? What shall we think concerning the sacrifice in war of more than two millions of men, throughout a term of years not far exceeding the usual length of life? Is it possible to reflect

* De civitate Dei. lib. 3. cap. 10.

and these manners have passed over to America. The love of the country, of liberty and of glory never forsook the Romans, even in the moments when their excesses were carried to extremes; and all their passions were accustomed to associate themselves with justice and with moderation. Long has the political system of Europe, founded upon a thirst for gold and the unlimited exten-

without horror on the execution of nineteen thousand criminals at the *Lacus Fucinus* †? Can we avoid shuddering at the idea that out of forty-two emperors who filled up the interval between Julius Cæsar and Charlemagne, thirty, at least, have died a violent death; and that, amongst these, four committed suicide, and six perished through the intrigues of their favorites, their brothers, their wives and their children? This picture is not overcharged: and groups, disgusting groups remain to fill it up. But, we refer the reader to the description of the manners of the Romans, by Ammianus Marcellinus, in the sixth chapter of his fourteenth book. He will then see how far “even in the moments when their excesses were carried to extremes, their passions were accustomed to associate themselves with justice and with moderation!” K.

† Suetonius observes that when these miserable victims passed by Claudius, they cried out: “Ave! Imperator! morituri te salutant!” and that the emperor answering, from absence of mind, “Ave! vos!” they understood this expression to mean a pardon, and would not engage, until compelled by threats and intreaties. . . . It cannot be denied that a generally established custom required that all fugitive slaves should be exposed to wild beasts.

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sion of commerce, driven from amongst us all the ancient virtues, nor could I venture to affirm that a war of seven years has proved the instrument of effecting their revival in America. Be this as it may, I dread lest the rich should become inclined to form themselves into an order apart, and to take possession of all power whatsoever, whilst the others, pluming themselves upon the expected attainment of that equality with the prospect of which they had been flattered, would not consent to such innovations; and hence must necessarily result the dissolution of that government which the opulent shall have endeavoured to establish. Were such a revolution to take place without any considerable disorder, any material notice, or marked attention to the accompanying circumstances, it would afford a proof that the firm energy of the mind was totally extinct; and notwithstanding that, in *this* case, no tumult, no violence of opposition would shake the peace of the
republic,

republic, it might be asked : to what noble exertions, to what generous efforts could the citizens thenceforward prove capable of proceeding? And without the aid of these qualities, is it possible that true liberty can exist?

On the contrary, were this change to meet with some resistance, what cabals, what intrigues, what dark designs should we have cause to apprehend! Hence, do I perceive resulting, hatred, jealousy, passions which overleap all limits, and drag after them in their train, a thousand other vices, the precursors of a tyranny, at this moment audacious, and, at the next moment, pusillanimous.

Even whilst I have brought on another question for discussion, must I conclude a letter which (I have cause to fear) may prove too long. In that which I shall have the honor of writing to you to-morrow,
I will

I will take the liberty to impart to you either my reflexions or my scruples concerning the laws of Pennsylvania, of Massachusetts, and of Georgia. Why should I attempt to conceal from you my apprehensions and my doubts, since they are calculated to convince you how much I have at heart the cause and interests of America, and how greatly I think myself indebted to you for the favorable opinion with which you have been pleased to honour me ?

Paffy, July 24th, 1783.

L E T T E R

L E T T E R II.

*Remarks touching the Laws of Pennsylvania,
Massachusetts and Georgia.*

I SHOULD conceive, Sir, that in order to proceed with surer steps, it would be most advisable at once to enter upon the examination of the fundamental laws; and, under this description, the form which each of your republics has imparted to its particular government appears to fall. It is, in fact, from hence that each people draws out its character, and, at length, acquires the power to fix it. Should this government provide for all its wants; should every part become so constituted as mutually to operate in favor of each other; should they point out the same serviceable end, and, instead of occasioning embarrassments and giving rise to

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detrimental circumstances, come forward with reciprocal assistance, I, then, shall rest assured that the prosperity of the republic will more and more grow riveted, from day to day. Wherefore? Because the passions, after having made an *unavailing* effort to extricate themselves from the authority of the laws, and to violate their injunctions with impunity, will, by slow and gentle gradations, determine to submit, in order to render themselves still more at ease. The citizen will then enjoy the manners of his government, and society will become as perfect as it can be made.

But, if the legislative power, which is the soul of the state, or rather the pivot whereon turns the whole political machine, be not established according to the most just proportions, what disorders will not result from this extreme defect! Pennsylvania has intrusted the privilege of enacting laws to an assembly composed of a part of the free-
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men of the republic, and chosen as the representatives of the inhabitants of their city or county ; as delegates, privileged, in *their* name, to institute laws and establish such regulations as they shall deem most salutary to the state. It is ordained that these members shall be chosen from amongst men the most praise-worthy on account of either their talents or their virtues *. So far the proceedings are excellent. But, let me confess to you that I should depend upon this standing law only in proportion to the necessary measures which the legislator may have taken in order to secure for it a strict obedience.

Should the manners and the morals of the Pennsylvanians render them inclined to conform themselves to this regulation; should

* "*The house of representatives of the freemen of this commonwealth consist of persons most noted for wisdom and virtue.*"

Constitution of Pennsylvania ; chap. 2. sect. 7
probity

probity be dear in *their* opinion; and should they feel themselves disposed to recompense it, I must then ask why the legislator enacts that the election of representatives should be carried on by ballot? This form of election which is considered as so necessary induces me to conjecture that the Pennsylvanians are far from being endued with that spirit and temper which ought to animate a democracy. I think that, on the one part, individuals are already settled in their towns and counties, who are so powerful that it requires some address to keep them within proper bounds; and that, on the other part, it would prove difficult to find amongst them electors who could summon up the resolution openly to speak their sentiments. In all well-regulated governments we may discover an intention that the citizens should be induced, without reserve, to deliver their opinions; and thus might they attain to the advantage of being accustomed to have amongst them only such persons as would deserve

deserve the name of honest men. The most able and experienced politicians have censured the use of balloting; and the learned reader may recollect what Cicero has remarked concerning this mode, during an æra when the Roman republic was divided into parties whom it was dangerous to offend. When Truth is obliged to move forward in secret, and concealed under a mask, Falsehood prepares herself to introduce her shameless, open front, against the earliest opportunity that offers. If the practice of balloting be the evidence of the decline of a free state, it should not take place at the first moment of its infancy. And were it to become necessary, the obvious conclusion is that such a government ought intirely to set aside the privileges of democracy.

It is stipulated that no person can be elected the representative of a city, town or province, unless he shall have resided in it, for the space of two years previous to the elec-

election*. This law is, certainly, much wiser than that in England which admits of the election of a representative in Parliament although such a representative may not inhabit either the county, city or borough for which he takes his seat. But, a trial of two years would not prove sufficient to secure my confidence: because, during so short a space of time, a depraved character may, without much difficulty, conceal his morals and his disposition, and affect sentiments from which the feelings of his heart are totally averse. I should rather make it a condition that a candidate must have filled some public office in his town or county which may have afforded him an opportunity to exhibit proofs of virtue and ability. Mankind, in general, set little value upon that which they have not been forced to pur-

* " No person shall be elected until he has resided in the
 " city or county for which he shall be chosen, two years im-
 " mediately before the said election."

Constitution of Pennsylvania ; chap. 2. sect. 7.

chase rather dearly ; and it is of material consequence that the legislative power be composed of citizens accustomed to respect each other, and entertaining an elevated idea of the august employment with which they are invested.

All the United States of America have exacted a certain qualification in property either to intitle a representative to a seat, or an elector to a vote. Pennsylvania alone indiscriminately admits to these prerogatives all the inhabitants who, during the space of a year, shall have contributed to the expences of the state *. It seems from this arrangement that the legislator has attended more to merit than to fortune ; and no circumstance, at the first blush, can carry with

* “ Every freeman of the full age of twenty-one years, having resided in this state for the space of one whole year next before the day of election for representatives, and paid public taxes, during that time, shall enjoy the right of an elector.”

Constitution of Pennsylvania ; chap. 2. sect. 6.

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it a stronger mark of equity and justice: but, may not some instances arise where the idea of attaining to the happiest advantages proving, at the best, chimerical, it must become a duty wisely to remain contented with an establishment less perfect in its respective parts? Could we find a republic so fortunate as not either to possess riches or to experience poverty, we might; nay, we ought *there* to establish the law of Pennsylvania, because, not striking against the public manners and morals, it will prove favorable to democracy. But, should fortune already have introduced those differences and distinctions which will not suffer conditions any longer to remain blended in one mass, would it not, in such a case, become proper, instead of aspiring to a pure democracy, to grant to this republic only those privileges and those rights which are necessary to render the aristocracy more circumspect, and to prevent it from giving any loose to the ambition that is so closely interwoven
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with its nature. Perhaps, it might become most prudent, under these circumstances, to imitate the policy of Solon who, to avoid giving umbrage to the rich, ordained that no person should fill the office of a magistrate, unless his annual income amounted to a stated sum.

One of the most dangerous rocks which hangs over the system of politics is an inclination to blend together and unite establishments, good in themselves, and when separately considered, but which cannot possibly assimilate. The law of Pennsylvania favours, without restriction, a democracy; but even this partiality can only serve to alarm the rich, who will never consent to remain limited within the mere enjoyment of those rights and prerogatives of which the multitude, or the poor, are equally possessed.

May I beg leave to ask you whether you actually think that the manners and the prejudices which you have contracted, whilst under the dominion of the English, will suffer you to aspire to a pure democracy; a government excellent where the morals and habits of the people are uncorrupted, but odious where they resemble those by which we are ourselves dishonoured? For *my* part, I should conceive that America is driven towards an aristocracy by a superior force which will destroy the laws attempting to oppose it. That system of politics which ought, amidst its *present* arrangements, to secure provisions for the *future*, will run into the violence of error, by endeavouring to establish, amongst the citizens, an equality of rights and privileges; an equality opposed directly to their prejudices, and, of course, incapable of duration. The more assiduously the legislator shall have concerted measures for succeeding, the less will he have cause to flatter himself upon the prospect of realizing

realizing his wishes; and all his efforts will only serve to irritate those ungovernable passions which must precipitate the republic either into anarchy or into oligarchy.

I am not apprehensive of wandering from the mark when I assert that democracy calls for the existence of morals in a considerable extent; and I dare venture to add that howsoever wise and truly regulated the constitutive laws may be considered, as forming one collective code, they can only subsist under such a republic as that of ancient Greece, where all the citizens knew each other; mutually had recourse to censors; and were continually under the eye and hand of the magistrates. This doctrine, which I take the liberty to expound to you, have I drawn from Plato, from Aristotle, and from all the ancient writers upon the subject of politics; and, in *my* opinion, this learned theory is but too well supported by various examples in the annals of historians. Even
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at this moment, have I before me a map of your possessions; nor can I reflect, without a kind of consternation, upon that vast extent of territory which includes the province of Pennsylvania. What more is wanting than the active appearance of some enterprising genius who, having nothing to lose, and much to hope from the intervention of intestine tumults, will either cause, or, at least, prepare the way for the accomplishment of a revolution. But, to say nothing of these adventurers who, soaring out of their private authority, may exalt themselves into the stations of tribunes of the people, who can answer for it that no rich trader, no merchant of great opulence will, by affecting to pursue a popular line of politics, avail himself of the disquiet, the hatred and the jealousy which constantly spring up in a democracy where fortunes are so disproportionate, to add fuel to the fire of civil discord, to make a trial of his own

own power, and to establish his own tyranny.

You will, perhaps, tell me that I introduce chimeras, in order to enjoy the pleasure of making war against them. But, let me intreat you again to read the History of Florence, and you will then fear (unless I much mistake) the introduction of a second house of Medicis, in Pennsylvania, who will step, from their bank, or their compter, into the throne. To what point may not individuals be conducted under the impulse and guidance of ambition, of genius, of money, and of popular applause and favor! Such an instance as this might prove sufficient to break asunder all the bonds of your confederation. It has given me pain to dwell so long on these melancholy subjects; but, unless that political knowledge which distinguishes and appreciates the force of the passions, and which attends to the capricious turns of fortune, has no gratification

tion in being deceived, it must experience a great facility in fearing and a still greater difficulty in hoping.

The law of Pennsylvania declares that
" the people have a right to assemble together,
" to consult for their common good, to instruct
" their representatives, and to apply to the le-
" gislature, for redress of grievances, by ad-
*" dress, petition or remonstrance *."*

I must confess that I feel it difficult to comprehend the meaning of this law. Nothing can be more just and reasonable than that the people should enjoy the right of consulting together respecting their mutual interests, and of instructing their representatives when they assemble to elect them. Thus far, no proceedings are in the least seditious. But, let me ask whether the people are privileged to meet together as often

* See Constitution of Pennsylvania; chap. 1. sect. 16.

as they shall think proper, unfettered by any regulation, at loose from any standing law, and not even in the presence and under the authority of the magistrate? If this be the spirit of the law, you *must* allow that, running to the extremes of popularity, it enters upon total anarchy. It is impossible that the laws can render the legislative power too respectable; but, in the case before us, I perceive it exposed to the caprices of a tumultuous assembly; such an assembly as an artful intermeddler, a discontented factious man, endued with a sufficient stock of eloquence to work upon the passions of the croud, may easily collect together. These addresses, these petitions, these remonstrances may prove serviceable and even necessary in England, where the parliaments are septennial and sometimes betray the interests of the nation whilst the king and his ministers assume too overbearing an authority, which it is right to distrust and wise to intimidate. But, in Pennsylvania, they are not of the
least

least service; because the legislative assembly is renewed yearly, in like manner as the magistrates are invested with the executive power. Unless I mistake the point, the laws in England ought to keep the people attentive to their interests, because liberty is there surrounded by formidable enemies, whilst, on the contrary, the laws of Pennsylvania should teach the citizens patience, and, at all times, particularly to avoid the entrance upon any public act, when unfisted by the interference and direction of the magistrate, because they cannot reap from anarchy the least benefit whatsoever.

Less freely should I reveal my sentiments, if you were less ardently attached to truth? or if *my* errors were capable of leading *you* into the most trivial mistake. I doubt whether you can approve of the constitution of Pennsylvania, when, instead of rendering the legislative power as respectable, as great, and as complete as, certainly, it ought to be,

be, it debars it from the privilege of making the least addition or alteration in its primitive establishment. This, I must acknowledge, is a strange law. Is it possible that the legislators, assembled, at Philadelphia, for the purpose of laying the foundations of a newly-rising republic, should be ignorant that no circumstance can set limits to the legislative power? Does this assembly conceive itself infallible? Will not fresh occurrences, affairs, manners and wants call either for new laws, or for the modification of such as are of ancient date? What superior power, or what power even equal to the authority of the legislative assembly have the primitive legislators thought of providing for the purpose of constraining this *assembly* punctually to observe the laws which *they* shall have enacted? It is not right, at *any* time, to institute a law which may be violated with impunity. And, surely, it is an acknowledged axiom, over the whole world, that the legislative power must not

be bounded by any point whatever, unless there should have arisen a determination either to destroy its action, or to render it insignificant. Of what use, therefore, is this clause which I have censured? It can only serve to diminish that profound respect with which every citizen should be inspired for the legislative body; to introduce disputes and quarrels concerning the nature of new regulations; and to authorise the gentlemen of the long robe, who are, all, naturally, sophists, to fix their own meaning upon the laws; and to maintain that new laws become null and void, as an obvious result of their nonconformity to the ancient laws.

Give me leave to mention an additional *scruple* (I will not call *my* observations by any other name) and this is that, in a republic where the fathers would offer to their children an example of the simple manners of a democracy, I could wish that every youth, born within

within the state, having reached the age of twenty-one, and lived, almost constantly, in the midst of his relations, were intitled to vote at the election of members for either his town or province. It is at this period of life that we love what is good and praise worthy with the greatest ardor; nor does it require much understanding to discover which citizens within a district are of the most unblemished reputation. Yet, in *my* opinion, the concession would prove too liberal should you invest with this privilege every adventurer who might continue resident upon the spot, during the space of a single year, and pay his portion of the taxes to the state. As one necessary consequence of this regulation, a multitude of young persons, not enjoying, in the other United States, the privileges of citizens, would fly for shelter to Pennsylvania; and *thither* they, certainly, would not carry those simple manners which *must* enter into the constitution of a democracy. The adventurers
would

would sell themselves to the different parties dividing the towns and provinces; nor, indeed, from *such* birds of passage could any benefit whatsoever be expected.

The frame of government for the constitution of Pennsylvania, after having enacted * that "*every freeman, of the full age of twenty-one years, having resided in that state, for the space of one whole year next before the day of election for representatives, and paid public taxes, during that time, shall enjoy the right of an elector:*" adds: "*provided always, that sons of freeholders, of the age of twenty-one years, shall be intitled to vote, although they have not paid taxes.*"

Granted: yet, it may be asked: where is the possibility that this aristocratical distinction can (if you will allow me the expression) become capable of amalgamation with the totally-democratic principles of the Pennsylvanians?

* See chap. 2. sect. 6.

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That vanity which predominates within the hearts of all is, of every other passion, the most active and the most subtle. I could venture to affirm that these freeholders would consider their privilege as a kind of dignity which separates (and which ought to separate) them from those citizens who are not in possession of any landed property. Having first treated them with disdain, they will not ultimately condescend to mix amongst them. And from these circumstances will originate two orders of a family. In the moment that the one shall have entered upon the enjoyment of a particular prerogative, they will regard themselves as bound to disunite from the other, and constitute an order intirely apart. Here, do I perceive an hereditary nobility which the laws of America have positively proscribed. I discover perpetual contests between that aristocracy which the passions will establish, and that democracy which the laws will protect. And, in order that the republic may

may become extricated without detriment, or, rather, without ruin, from this alarming situation, they *must* have successfully aspired to the virtues which blazed forth during the purest æra of the Romans; that is, they *must* have believed in the existence of something more valuable than money.

*“ If any city or cities, county or counties,
 “ shall neglect or refuse to elect and send re-
 “ presentatives to the general assembly, two
 “ thirds of the members from the cities or
 “ counties that do elect and send representa-
 “ tives, provided they may be a majority of
 “ the cities and counties of the whole state,
 “ when met, shall have all the powers of the
 “ general assembly as fully and as amply as
 “ if the whole were present *.”*

Sir! I must confess that I cannot avoid regarding this as one of the most extraordi-

* Constitution of Pennsylvania; chap. 2. sect. 12.

nary laws which possibly could have entered into the code of a people assembled for the purpose of establishing their own particular constitution. I should naturally ask the legislators upon what ground they can have foreseen, or even suspected, that some city, or some county would prove capable of such negligence, or rather of so criminal a disinclination? If this law appeared, according to *their* opinion, necessary, it follows that the citizens must have already harboured in their minds a prejudice; an error; a vice which separates *their* interests from the interests of the republic, and paves the way for the most fatal rupture of connexions. In the very moment of adverting to the disease, should you apply the remedy. Instant measures are necessary to prevent a degradation of the public power. For, the cities or counties which may not have elected their representatives to a seat in the general legislative assembly will, doubtless, refuse an obedience to those laws which they were not

not concerned in framing. Enormous vice ! It supposes the existence of a monstrous insensibility to the welfare of the country, and announces in a democracy the absolute dissolution of the republic . . . Well and good ! Then, let the doors of the legislative assembly be thrown open to all the world. The citizens will find a school in which they may become instructed. It is of use to publish, every eighth day *, the journals of the session. Democracy is an enemy to mystery, and stands in need of being enlightened ; yet, it might prove dangerous that “ *all bills of a public nature should be printed for the consideration of the people.*” This, perhaps, is the sure mean of rendering every thing problematical. Who does not know how exceedingly the people is ignorant, weak and open to false prejudices, even although possessed of as much understanding and pene-

* *The votes and proceedings of the general assembly shall be printed weekly during their sitting.*

Constitution of Pennsylvania ; chap. 2. sect. 14.
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tration as the people of ancient Athens? Ought not the legislator to have confined himself within his decree that "*the reasons and motives for making laws shall be fully and clearly expressed in the preamble*" of ordinances*. This precaution might not only have proved sufficient to hinder the representatives from adopting any rash measures, but effectually have armed the minds of the people against the sophisms of restless and ill-designing citizens

Let us now come to the executive power, without which it were an useless task to frame a law. The Pennsylvanians have de-

* "*To the end that laws, before they are enacted, may be more maturely considered, and the inconvenience of hasty determinations as much as possible prevented, all bills of a public nature shall be printed for the consideration of the people before they are read, in general assembly, the last time, for debate and amendment; and, except on occasions of sudden necessity, shall not be passed into laws until the next session of assembly; and for the more perfect satisfaction of the public, the reason and motives for making such laws shall be fully and clearly expressed in the preamble.*"

Constitution of Pennsylvania; chap. 2. sect. 15.

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creed that " *the supreme executive council of*
 " *the state shall consist of twelve persons, chosen*
 " *in the following manner : the freemen of the*
 " *city of Philadelphia, Chester and Bucks, re-*
 " *spectively, shall choose, by ballot, one person*
 " *for the city, and one for each county afore-*
 " *said, to serve for three years and no longer,*
 " *at the time and place for electing representa-*
 " *tives in general assembly. The freemen of*
 " *the counties of Lancaster, York, Cumberland*
 " *and Berks, shall, in like manner, elect one*
 " *person for each county respectively, to serve*
 " *as counsellors for one year and no longer.*
 " *And at the expiration of the time for which*
 " *each counsellor was chosen to serve, the*
 " *freemen of the city of Philadelphia and of*
 " *the several counties in this state, respective-*
 " *ly, shall elect one person to serve as counsel-*
 " *lor, for three years and no longer, and so on*
 " *for ever *.* The president and vice president
 " *shall*

* The whole of that passage of the section to which the re-
 marks of *Abbé de Mably* particularly point is introduced in the
 body

*“ shall be chosen, annually, by the joint ballot
“ of the general assembly and council, of the
“ members of the council.”*

I should

body of the work ; but (what ought to be an object, as much as possible, in all books) to save the curious reader the trouble of a reference, we have increased the quotation, so as to bring the section intirely, and as a test of either the strength or the futility of the argument in question, under one point of view.

*“ By this mode of election and continual rotation, more men
“ will be trained to public business ; there will, in every subse-
“ quent year, be found in the council, a number of persons ac-
“ quainted with the proceedings of the foregoing years, whereby
“ the business will be more consistently conducted, and, more-
“ over, the danger of establishing an inconvenient aristocracy
“ will be effectually prevented. All vacancies in the council
“ that may happen by death, resignation or otherwise, shall be
“ filled at the next general election for representatives in ge-
“ neral assembly, unless a particular election for that purpose
“ shall be sooner appointed by the president and council. No
“ member of the general assembly, or delegate in congress, shall
“ be chosen a member of the council. Any person, having ser-
“ ved as a counsellor for three successive years, shall be incapa-
“ ble of holding that office for four years afterwards. Every
“ member of the council shall be a justice of the peace for the
“ whole commonwealth, by virtue of his office.”*

*“ In case new additional counties shall hereafter be erected in
“ this state, such county or counties shall elect a counsellor, and
“ such*

I should venture (and *this*, without any great apprehension of proving mistaken in my judgment) to consider it as a fault that the formation of the executive council is not the work of the general assembly. Permit me to ask why you confide to your electors of twenty-one years of age; to a multitude always inexperienced, and naturally inclined to feel prepossessions in favor of indulgent magistrates, the arduous task of choosing men destined to watch over the maintenance and direction of the laws; to preserve inviolate, and in their full activity, the most important interests, and with suc-

"such county or counties shall be annexed to the next neighbouring counties, and shall take rotation with such counties."

"The council shall meet annually, at the same time and place with the general assembly."

"The treasurer of the state, trustees of the loan office, naval officers, collectors of customs or excise, judge of the admiralty, attornies general, sheriffs and probenotaries shall not be capable of a seat in the general assembly, executive council, or continental congress."

Constitution of Pennsylvania; chap. 2. sect. 19.

cessful

cessful skill to manage those affairs of the republic which require to be treated with the greatest delicacy and caution? Whom can we suppose more capable of judiciously making this choice than representatives who *must* feel it, upon the score of self-advantage, their particular concern to take care that the laws, secure from all perversion, should be perpetually carried into their proper force? And I should, likewise, think that this is the most favorable mean of establishing between the legislative power and the executive power (naturally jealous of each other in all free governments, and usually enemies under a democracy) that accord and harmony which constitute the welfare of a state. I should conceive that the legislators of Pennsylvania might, without wounding their principles, invest the general assembly with the privilege of choosing the members of the executive council from amongst the representatives who compose it. Hence, would originate a multitude

tude of advantages. The county of which the representative may have been elected will consider itself as flattered by this honor; for, mankind are never inattentive to any circumstance wherein their self-love becomes particularly interested. On such an occasion, a kind of emulation would arise amongst the counties; they would grow extremely cautious of failing to send to the general assembly citizens, in all respects, sufficiently worthy to enter into a competitorship for the places of the council. The body invested with the maintenance and direction of the laws would be formed out of the most valuable characters; and, as a natural consequence of this common interest in glory and in emulation, the too-inconsiderate and too-intriguing spirit of democracy would acquire a nature at least more gentle and attempered.

Nor shall I rest here. Let me take the liberty to observe that many difficulties must
attend

attend the effort to render this number of twelve counsellors equal to the full management of all the business of administration. Still give me leave to ask why, amidst those forms of government. (where, under the pretext of guarding liberty inviolate in the extreme, the citizens take no more pains to think, and to investigate the nature of the various points and circumstances before them, than if they were the subjects of the most despotic state) the legislators assembled at Philadelphia have prescribed no regulation, no system of polity, no plan for the treatment and conduct of affairs, whether in the general assembly, or in the executive council? Philosophers point out to their disciples the track which it behoves them to pursue, during the continuance of their researches for the discovery of truth. And is it not equally the duty of legislators strictly to attend to the establishment of such forms as lead to justice and the public welfare, since they, frequently, have to deal with

with inexperienced fellow-citizens; and since even individuals the most enlightened may be driven from their proper mark by the strong torrent of the passions?

Submitting to you my doubts and scruples, it is but just to acknowledge that I have observed, with singular satisfaction that, in the constitution of the Pennsylvanians, the executive power is not intrusted (as amongst most of the United States) to a council intirely renewable after the expiration of every year. “ *At the expiration of the time for which each counsellor was chosen to serve, the freemen of the city of Philadelphia, and of the several counties in this state, respectively, shall elect one person to serve as counsellor, for three years and no longer; and so on, every third year, for ever.*” The law adds that, “ *by this mode of election and continual rotation, more men will be trained to public business; there will, in every subsequent year, be found in* “ *the*

*" the council, a number of persons acquainted
 " with the proceedings of the foregoing years,
 " whereby the business will be more consistently
 " conducted *."* I grant that Pennsylvania,
 starting, upon this account, much less aside,
 will, consequently, remain more steady in
 its principles than those republics which
 have established but one council, of which
 all the members are annually elected. But,
 even this is not sufficient to confirm me in
 my point. Have not the magistrates of a
 newly-rising republic, a republic labouring to
 build up its character, occasion for a more
 extended authority, in order to establish
 within it maxims and constant principles,
 and to give it (if I may venture on the ex-
 pression) the most favourable allurements to
 the prosecution of its own welfare?

Is it possible to reflect without horror
 upon that mass of human beings who con-

* See Constitution of Pennsylvania : chap. 2 sect. 19.

stitute societies; and of whom all are under the dominion of passions, at once extremely active and extremely different from each other? Of these (not the least powerful, and, certainly, the majority) some are incapable of thinking; others are fit only to combine amongst themselves the ideas which may have been imparted to them; and, in the midst of all, some men of genius will arise, whose opinions may, nevertheless, not always coincide. What, therefore, must become of that republic which has not within itself a perpetually-subsisting body that religiously preserves, as consecrated deposits, the laws, the system of polity and the national character, in imitation of the vestals who guarded the sacred fire in the temple of their divinity? Let us analyse, if you please, the histories of Lacedæmon and of Rome. You will discover, beyond a doubt (unless I much mistake) that these two republics were indebted for their virtues, their wholesome politics, their wisdom,

dom, their constancy, their distinguishing character, and, in short, whatever we perceive about them that challenges our admiration, totally and exclusively to the establishment of that perpetual senate which was, in fact, their vital principle: their *soul*. Thus, were the aristocracy and the democracy preserved in proper equilibrium; and, hence, originated an intermingled form which, securing to itself the advantages derived from each government, remained totally uncontaminated by any of their vices. It is with much pleasure that I have read, in the account of the constitution of the state of New York, that this republic has instituted a council composed of twenty-four members, the four eldest of whom are annually to withdraw, in order that their places may be supplied, in consequence of a new election of four candidates, who, without efforts, will naturally participate of the spirit of the body into which they enter,

and, when retiring from their seats, transmit this spirit to their successors *.

In spite of that friendly severity with which I have investigated the laws of Pennsylvania, I feel myself impressed with the deepest respect for those legislators by whom

* I have translated this passage literally from the original. The section to which (if I have not examined the American codes of laws too inattentively) it appears to refer, runs, as follows :

" And this convention doth further, in the name, and by the authority of the good people of this state, ordain, determine and declare that the senate of the state of New York shall consist of twenty-four freeholders to be chosen out of the body of freeholders ; and that they be chosen by the freeholders of this state, possessed of freeholds of the value of one hundred pounds, over and above all debts charged thereon."

" That the members of the senate be elected for four years, and, immediately after the first election, that they be divided by lot into four classes ; six in each class, and numbered one, two, three, and four ; that the seats of the members of the first class shall be vacated at the expiration of the first year, the second class the second year, and so on continually ; to the end that the fourth part of the senate, as nearly as possible, may be annually chosen."

See Constitution of New York ; sect. 10 and 11.

they

they were enacted. A thousand instances occur to prove that they profoundly understood the rights of nature and of the human heart. Yet, suffer me to repeat that, in the moment when you were ultimately compelled to shake off the authority of Great Britain; and when a necessity pressed for expediting the formation of a constitution, in order to prevent anarchy, and to disconcert the criminal views of the English partizans, within your own country, time was wanting to enable you to complete, in the most perfect manner, the arrangement of all the various parts of government. The legislators may now walk over their political ground a second time; their country invites them to the task; nor do I doubt but that, at length, they will procure for Pennsylvania, a form of government more suitable to its present situation, and, at the same time, make every provision, in their power, for the exigencies of the future.

The

The form of government established in the republic of Massachusetts, although grounded, in some measure, upon the mode of government in England, is infinitely more replete with wisdom. What, in Great Britain, bears the name of parliament, with you is called a general assembly or convention. It is composed of a senate which resembles the house of peers, in England, and of a house of representatives which enjoys the same rights and privileges as the house of commons at London. Each of the two houses may separately bring in and carry through their bills; they become mutually referred by one party to the other; and, at length, such as pass in consequence of a majority of voices, are presented to the governor, who either approves of them by affixing to them his signature, or returns them with a statement of those reasons which prevent him from receiving them with his assent. Yet, should the two houses persist in their resolution, and should the bills, subsequently

sequently to a second investigation, become again approved, not simply by a plurality of votes, but by two thirds of the members present, they must, in consequence, pass into standing laws. In like manner, should the governor postpone beyond the space of five days, the declaration of his opinion concerning the bill, his silence will be deemed an assent. Nevertheless, were the two houses to persist in their resolution, and were the bills, after a second revival, to receive the assent not simply of a majority of voices, but of two thirds of the members present, then the bills rejected by the governor would pass, with full force, into a law. In like manner, were the governor to defer, beyond the space of five days, the promulgation of his opinion, his silence would be considered as tantamount, in all respects, to unreserved and actual approbation.

I cannot avoid thinking that this mode of administration carries with it a stronger evidence

dence of wisdom than the manner which prevails in England. The annual governor who, shortly, must return into that class of mere citizens over whom he had obtained a temporary exaltation, can have no interest in augmenting his prerogative; the governor whose plans and measures are enlightened by the advice and aid of council which is assigned to him; a council not of his choice, nor, consequently, to be disgraced by *him* at pleasure; in a word, the magistrate, without the advantages of fortune to secure him in the means of purchasing the suffrages of a general court, or of corrupting the members by throwing out allurements to their ambition, in the shape of titles and of dignities; is not the foe of public freedom, like a king of England, to whom his passions suggest a train of self-interested pursuits, all actually repugnant to the welfare of the nation; who, secretly and incessantly, preys upon the rights of peers and commoners; and who, advancing beneath the
means

means and succors of corruption towards the attainment of arbitrary power, enervates the great feelings of the mind; weakens and relaxes the firm spirit of liberty; and, therefore, may, at length, strike upon the moment, when, acting with equal resolution and obduracy, he will at once astonish and dismay the English, and, like a second Henry the eighth, accustom them to crouch under the weight and power of his sceptre.

Nor can I help observing that a king of England, invested with the prerogative of coming forward, when *he* pleases, with his dissent (his *veto*) constrains, impedes and keeps even in captivity the legislative power which cannot, under this hindrance, carry into execution the laws necessary to its security *. The parliament, obliged to negotiate,

* Are not these pictures rather overcharged? In England (not a republic) is not this prerogative indispensably requisite? And would not the annihilation of it tear up *any* monarchy by the roots? We know how seldom the royal power of refusing

ciate, can act no longer with that simple and noble firmness which is so suitable to their nature. Reduced to the necessity of proceeding upon the defensive, which must, at length, bring on their own destruction, they cannot take a ground more hostile without exposing the state to the most violent commotions, and hazarding its future destiny on the precarious events of war. On the contrary, the governor of Massachusetts is restrained within the mere prerogative of making his remonstrances to the legislative power; and this is a recourse which, far from impeding the action of such a power, renders it more salutary, by preventing all clemency, all surprise, and all infatuation. The censure which the two houses of the general assembly, may exercise against each other, by

refusing an assent to bills passed by both houses of parliament has been exercised. A melancholy experience has taught our princes (and the lesson will descend to posterity!) wisely and cautiously to consider it as a feather more likely, when extended, to *impede* than *aid* their flight; and, therefore, interwoven with the plumage of the wing, for *constant ornament*; but, not for *general use*. — K.

mutually

mutually rejecting their respective bills, is (unless I much mistake) a point extremely favorable to the stability of the government. It represses a taste for novelty and innovation; it animates the citizens with a more warm attachment and a more inviolable regard for laws. The power of deliberating and remonstrating allowed to the governor of Massachusetts is calculated for the sole end of confirming and securing these several advantages.

You may, perhaps, experience the uneasiness of discovering that Pennsylvania plunges deeply into all the caprices of a democracy, whilst the government of Massachusetts takes root, and grows, and strengthens upon its principles. You had the wise precaution, when forming a new republic (which totally threw off the yoke of a relentless master, who strove to render you the victim of his unwarrantable projects and falsely-studied interests) to fix the notice of your fellow-

fellow-citizens solely upon those laws which at once assimilate themselves with all the ideas to which the former have been accustomed; and which, extremely far from wounding long-established habits, serve only to make liberty agreeable and undisturbed. *Your* fellow-citizens have not experienced that sudden whirl which accompanied the revolution of the government of the Pennsylvanians. Upon a democratic base, which confirms the multitude in the enjoyment of their liberties, yet, does not fill them with too audacious hopes and expectations, you have established an aristocracy which, in consequence of its nature, is more settled, and more equal to itself; and which the manners of America, considerably too congenial with those of Europe, have rendered, at the present period, absolutely requisite. Whilst Pennsylvania, carried to a distance from her opinions, her laws and her familiar customs, may become intoxicated with that democratic liberty, of which she knows not

not all the springs, and which she may, perhaps, confound with actual licentiousness, the republic of Massachusetts, more measured and guarded in its operations, because engaged only in the task of conciliating interests less repugnant to each other, will fix, upon the surest ground, its government and its character.

I dare say that those who do not carry their thoughts beyond the dignity and the common rights which men derive from nature, will prefer the government of Pennsylvania to that of Massachusetts. Yet, I am equally persuaded that they would alter their opinions, if, relinquishing their metaphysical speculations, they were to study and investigate the human understanding, limited as are its emanations amongst the generality of their fellow-creatures. From the manner in which nature, with such unequal hands, dispenses to them her various favors, it absolutely seems as if she had her-
self

self prepared that subordination without which it is not possible for society to exist. It is, therefore, by a conformity to *her* laws that we must establish *our own*, and not give the power of managing and controlling to those whom she has marked out for objects of submission to a superior government and direction. Let us descend into the human heart, in order to trace out the seeds of those passions which continually endeavour to shoot up and to expand themselves; let us probe into the force of our habits which, first obscuring the light of our reason, conclude, at length, by rendering us prepossessed in favor of those abuses which we, before, should have regarded as intolerable; and it will follow, from irresistible conviction, that the wisest system of politics is that which can the most accommodate itself to the necessities of the times, and turn them to the best advantage. I cannot too often repeat that, in proportion to the relaxation of manners, the laws, together with

with the power of carrying them into execution; should operate with stricter force; and the affairs of government become entrusted to fewer hands. In fact, is it not clearly discoverable, amidst all the revolutions of states, that a corrupted democracy drives them, even against their will, into a confirmed aristocracy; and that this kind of government, in its turn, becomes oligarchical; and, ultimately, gives place to the introduction of monarchy? To this point are we conducted by the progress of the passions, when we allow them full and unmo-
 lested scope. To retain them within their *proper* course, and to direct them to some *useful*, and, consequently, some *virtuous* end, may, truly, be said to form the whole art of legislation.

You, Sir! who know the progress which European vices have made throughout your several states, can judge what form of government will suit them most. Uncertain

are

are the lights which have accompanied my investigations of the subject. I hear that the Pennsylvanians are more engaged upon the cultivation of the soil than the pursuits of commerce; nor have amongst them any example of those large and disproportioned fortunes which we so often meet with in the republic of Massachusetts. Granted. But, are these circumstances sufficient to plead in justification of their democracy? I confess that an exclusive attachment to agriculture will fill the mind with manners much more pure than those which are imbibed, as the result of a concern in commerce. Yet, I perceive that the port of Philadelphia is favorably open to industry and to trade. If those riches which the earth supplies are agreeable and precious to the Pennsylvanians, why should they neglect to increase them by following the example of the Bostonians? I ask what measures the laws have taken to stop them upon the verge of this precipice? And, I should, also,

also, wish to know whether, in a government intirely popular, it is possible to take any measures whatsoever? It would prove a miracle of the first class and magnitude, should a people, who laboriously cultivate the earth in order to acquire riches, and who will soon have large workshops and artificers, to bring to perfection all which is previously necessary to assist agriculture and to accelerate its progress, possess the power of not suffering themselves to be drawn aside by those sentiments and ideas which much affect them. The law, the government must come forward in their support. Let me, next, enquire what, in such a case, will be the resources of democracy? I dwell the longer upon this article, in consequence of my heart-felt wishes that Pennsylvania may either institute for herself, or adopt political principles the most proportioned to her wants, to her present circumstances, and to the misfortunes which threaten to afflict her.

I now

I now return to Massachusetts, and perceive, with pleasure, that the government keeps intirely at a distance all those men who have no fortune but their arms, and who cannot avoid troubling a political administration, when once suffered to enjoy the least authority. It was, probably, for the same reason, that the ancient republics, by whom the duties of humanity amongst the citizens were so thoroughly understood, did violence to the rights of it, by admitting slaves, who were as nothing in the state, and under subjection to the will alone of their masters. In consequence of wiser plans, the poor remain, with you, under the protection of the laws; and they may indulge hopes of, one day, raising themselves, by dint of labor and oeconomy, to the dignity of contributing, by their suffrages, to the election of senators, of representatives, and even of a governor. These hopes render their condition pleasing; they will love the state on account of the advantage which they expect to

to reap from it; nor need *you* fear such insurrections of the slaves as those which the historians of antiquity have related. By requiring a different fortune as a qualification for a seat in the senate from that which must be possessed by a member of the house of representatives *, you have, in consequence of a wise balance of power, prevented the richest citizens from engrossing all authority for themselves. This, in my opinion, is the properest arrangement which, possibly, could have been made, for the purpose of attempering aristocracy with a kind of mixture of democracy.

“ No person shall be capable of being elected as a senator, who is not seized, in his own right, of a freehold, within the commonwealth, of the value of three hundred pounds, at least, or possessed of personal estate to the value of six hundred pounds, at least, or of both to the amount of the same sum.”

Constitution of Massachusetts ; chap. 1. sect. 2. art. 5.

“ Every member of the house of representatives shall have been seized in his own right, of the value of one hundred pounds within the town he shall have been chosen to represent, or any rateable estate to the value of four hundred pounds.”

Chap. 1. sect. 3. art. 3.

Equally

Equally wise is it that the general assembly, composed of senators and representatives, should be invested with the power of choosing, by joint ballot, nine counsellors, for the purpose of advising (together with the lieutenant governor) the governor in the executive part of the government *. After what I have remarked concerning the council of Pennsylvania, you must not be surprized if I should take the liberty to condemn the council of Massachusetts, still less numerous, and of which the election is positively annual †. Let us not deceive ourselves. An aristocracy, without a council, in which the manners, the spirit, the character and the principles of the state preserve and perpetuate themselves, is, actually, a monster in politics. To what a fluctuation must it become exposed! The republic, successively adopting the opinions, the whims

* Constitution of Massachusetts; chap. 2. sect. 3. art.

† Taking place on the last Wednesday in May.

and

and the caprices of its magistrates, would not inspire either the citizens or strangers with the smallest confidence. This imperfection is of itself sufficient to derange all the harmony of your government.

I must confess that I feel a striking prepossession in favor of the republic of Georgia. This is an infant colony ; it extends over a large territory, and (if my information be well founded) the number of its inhabitants does not amount to forty thousand. How prosperous were the circumstances which led to the establishment of a republic amongst a people as yet engaged only in searching for riches from the cultivation of the waste lands adjoining to their dwellings! All their ideas must naturally incline them to agriculture which, of itself, supplies mankind with abundance, preserves the simplicity of their manners, and disposes their mind for the execution of great actions. Thus, hath the world been witness
that

that this colony, although enfeebled, and more exposed than any of the rest to the calamities of war, extremely far from lowering its character, stood forward as an example of courage and of prudence.

Had I experienced the good fortune of being a citizen of Georgia, I believe that, in the assembly convened to digest and settle the principles of the constitution, I should have exerted all my efforts to rivet with increased solidity that spirit of temperance and modesty, of which it appears that my fellow-citizens, in spite of the gentleness of their manners, know not, sufficiently, the value. I should have said: "*My brethren!*
" my friends! let us return thanks to Providence for having conducted America to that
" happy revolution by which she is secured in
" the possession of her independency, previous to
" the period when, her inhabitants having be-
" come too numerous and too rich, it might,
" perhaps, have proved impossible for us to fix
" our

" our liberty upon immovable foundations. Our
 " number is not so large as to prevent us from
 " listening, without difficulty, to each other ;
 " and our manners, hitherto uncorrupted by
 " fictitious wants, as yet permit us to establish
 " within our infant republic the true principles
 " of society, and to set up a barrier between
 " ourselves and those vices which would either
 " prevent us from taking the road that leads
 " to happiness, or shortly force us to desert it.
 " Mankind have no real riches except those
 " which spring from the productions of the
 " earth. Are we anxious for the attainment
 " of genuine and durable felicity ? Let us learn
 " to rest contented with those fruits for which
 " we are indebted to our labours. These will
 " prove sufficient ; nor can we ever want
 " whilst we avail ourselves of their assistance.
 " Let us take such precautions that no cir-
 " cumstance whatever may prove capable of
 " changing in our ideas, the aspect of this in-
 " valuable truth, which we as yet feel and
 " acknowledge, but, which the contagious ex-
 " ample

" ample of our neighbours may soon occasion us
" to forget."

" I perceive, with concern, that you have
" ordered the representation of a beautiful edi-
" fice to be engraven upon the seal of the re-
" public*. I could rather wish to see a plain
" and modest dwelling, which might convey to
" our posterity an idea of those manners, all
" free from luxury and pomp; manners which
" contributed to the foundation of this state,
" and which they ought to look up to, as
" patterns for their conduct. I observe with
" pleasure, on the impression of this seal, fields
" of corn; meadows covered with sheep
" and cattle; and a river running through

* " The great seal of the state shall have the following de-
vice: on one side a scroll, whereon shall be engraved: "*The
" Constitution of the State of Georgia,*" and the motto, "*Pro
" bono publico*:" on the other side, an elegant house and other
buildings, fields of corn, and meadows covered with sheep and
cattle; a river running through the same, with a ship under
full sail, and the motto, "*Deus nobis hæc otia fecit.*"

Constitution of Georgia; art. 57.

" the

“ the same. To these images which paint
 “ your character, for what reason will you
 “ add a ship under full sail? Let us reflect
 “ that it may prove to us the box of Pandora;
 “ let us dread the consequence of familiarising
 “ ourselves with these notions of a delusive
 “ prosperity; notions which may with too
 “ much facility be imprinted upon the half-
 “ reasoning and scarcely-formed minds of our
 “ youthful offspring. Heaven forbid that, at
 “ any period whatsoever, some vessel, by bring-
 “ ing to us articles which might administer to
 “ the gratification of ideal wants and hitherto-
 “ unknown pleasures, should render us disgusted
 “ with that simplicity which is itself sufficient
 “ to secure our welfare! Heaven grant that
 “ we were rather tied down to these lands,
 “ and in apprehension only from the neighbor-
 “ ing savages, much less dangerous than the
 “ sea which washes our coasts! Wherefore do
 “ we strive to favor Savannah and Sunbury,
 “ by permitting the first to send four members
 “ to the house of assembly, and the second to
 “ elect

" elect two for the purpose of encouraging and
 " protecting their trade"? Let us take care to
 " avoid following the example of wretched
 " Europe; Europe endeavouring to establish
 " its force, its power and its welfare upon
 " those riches which must at length reduce it
 " to weakness and to poverty. If we regard
 " commerce as the object and end of a flourish-
 " ing state, from that moment must we either
 " renounce all principles of a sound policy, or
 " expect to see their establishment soon followed
 " by their annihilation†. If we desire to encour-
 " age

" * "The port and town of Savannah shall be allowed four
 " members to represent their trade."

" "The port and town of Surrency shall be allowed two mem-
 " bers to represent their trade."

Constitution of Georgia; art. 4.

† A note will not admit of a digression, including arguments, supported by the sanction of the most discerning and unexceptionable writers, to prove that, in general, the evils of commerce (commerce, not, indeed, to be regarded as the *chief* object and end of a flourishing state!) are but as feathers in the balance against its blessings. Surely, still more from accompanying commerce than from mere agriculture and the *confined* domestic arts, may nations (as the poet beautifully observes)

" The wide felicitas of labor learn!"

This

*“ rage those virtues of which we stand mate-
 “ rially in need, and thus render them the objects
 “ of love and veneration to our children, let us
 “ grant honors, rewards and distinctions to the
 “ most laborious, able and experienced cultiva-
 “ tors who, for the purpose of learning to de-
 “ fend their possessions, will unbend and refresh
 “ themselves, after the fatigues of the plough,
 “ by the glorious exercises of the militia. Let
 “ us not even think of collecting together within
 “ our territories an immense number of men :
 “ they will not prove worth a single handful of
 “ good citizens, endued with spirit and with
 “ virtue.”*

This captivating picture, from the glowing pencil of Abbé de Mably, is in the richest spirit of Arcadian, or, rather, of Utopian simplicity. Yet, it appears most powerfully contrasted by his own remarks* : “ It would prove a miracle of the first
 “ class and magnitude, should a people, who laboriously culti-
 “ vate the earth in order to acquire riches, and who will soon
 “ have large workshops and artisans, to bring to perfection all
 “ which is previously necessary to assist agriculture and to ac-
 “ celerate its progress, possess the power of not suffering them-
 “ selves to be drawn aside by those sentiments and ideas which
 “ must affect them.”

* See the preceding page 89.

Here,

Here, I stop, though with regret; and shall only add some observations respecting the constitution of Georgia. In *my* opinion, this republic has taken a middle line between the political system of Pennsylvania and that of Massachusetts. There, it is not sufficient to pay the taxes of the state in order to be raised to the dignity of a representative; but, the fortune required is too moderate not to become suitable to the nature of a democracy. On the other hand, the legislators keep at a distance from aristocracy, by not establishing, like those of Massachusetts, two assemblies for the exercise of the legislative power. We may perceive that this equality is dear to them, because they will not regard as a citizen every inhabitant who shall not have renounced, authentically and in full form, those particular titles which are the offsprings of wretched vanity, and which, in England, seem to point out a species of nobility. Eagerly shall I attempt to acquire information concerning
every

every point which may prove interesting to Georgia. Were I to learn that she sets her face against corruption, not by enacting vague laws, but by introducing establishments which countenance and bring to perfection sound morals, I should consider such a conduct as the forerunner of her felicity. Then, should I perceive that the defects imputed to the laws in being either intirely disappear, or do not operate with a pernicious influence against the welfare of the government.

The laws agreed to by the assembly of representatives shall be submitted to the revival of the governor and his council, who are invested with the executive power of the state; and their remonstrances shall be carried to the legislative power by a committee, who shall explain the nature of the alterations which the governor may demand, and the motives by which they have been rendered necessary. During this conference between the two powers, the committee shall

shall remain sitting and *covered*; but the whole assembly of representatives, except the speaker, shall keep themselves *uncovered**. Here, therefore, do we perceive the world turned upside down! And it is astonishing that agents, clerks and men of business should appear before their sovereign master with the distinguishing marks of pre-eminence and superiority. I well know that a hat, either more or less, proves nothing amidst a people sufficiently virtuous to look with equal love and reverence upon liberty and the laws. From this empty ceremonial let us conclude that it was intended merely to

* During the sitting of the assembly, the whole of the executive council shall attend, unless prevented by sickness, or some other urgent necessity; and, in that case, a majority of the council shall make a board to examine the laws and ordinances sent them by the house of assembly; and all the laws and ordinances sent to the council shall be returned in five days after, with their remarks thereupon.

A committee from the council sent with any proposed amendments to any law or ordinances shall deliver their reasons for such proposed amendment, *sitting and covered*; the whole house, at that time, except the speaker, *uncovered*.

Constitution of Georgia; art. 27, 28.

impress

impress upon the minds of the representative-body that profound respect with which it behoved them to treat the ministers of the law; since, when withdrawing from their office, they mingle, as before, amidst their simple fellow-citizens. But, in a corrupted country, where vanity and ambition are toiling to undermine the actual foundations of equality, not even more than this ostentation of precedence could be wanting to justify the people in giving up all for lost. The slightest pretexts may prove sufficient to seduce the passions of the human mind into the advancement of pretensions which will insensibly slide into the shape of rights; rights for the enjoyment of which the claimants, doubtless, would contend by all the means within their power *.

Passy, August 6th, 1783.

* These last excellent remarks from the Abbé de Mably preclude the necessity of a single comment upon the order of *Cincinnati*, in America! K.

LETTER

LETTER III.

*Remarks concerning some important Objects
which regard the Legislation of the United
States of America.*

S I R,

PARTICULARLY to investigate the nature of the laws, by the force of which the other United States of America have established amongst themselves a public power, were to proceed upon a useless task; and I must, unavoidably, fall, during the execution of it, into unmeaning and tiresome repetitions. I should imagine that the observations, which I had the honour of submitting to you, in my last letter, when advert-
ing to the three republics, the constitutions of which particularly attracted my attention, are not less applicable to all the rest. And I
must

must now add that should the citizens of Massachusetts, Pennsylvania and Georgia labour, as the result of a fresh revival of their constitutions, more unexceptionably to proportion their laws to the exigencies of the times and circumstances which surround them; should they attend not less to provisions for the future than to arrangements for the present; should their regulations establish a juster equilibrium between the legislative and the executive power; should the ambition of the people, less stimulated by the idea of rights and those hopes with which democracy inspires them, feel no occasion to make convulsive efforts in order to defend their dignity; and should the rich perceive before them a sufficient number of impediments to conquer the presumption and audacity which might otherwise incline them to trample upon their inferiors; these republics would serve as models to the rest, who might become in *their* turns, more guarded through all their conduct; and, doubtless, profit

profit by examples immediately before their eyes; nor, were any troubles to prevail, would these others withhold their offers to step in as mediating parties; in which case their character for wisdom would give weight to their negotiations, and, by gentle degrees, sound principles would become established throughout the whole confederation.

The three republics which I had the honor particularly to point out to you are those only where the citizens have felt the value of sound morals and a proper education; or where, at least, they have made these advantages the subject of their remarks. The legislators of Massachusetts are not attentive solely to the purpose of giving greater scope to all the emanations of our understanding, but, feel an ardent desire deeply to engrave upon the hearts even of their children "*the principles of humanity*" "*and general benevolence, of public and private*"

"vate

*"vate charity, of industry and frugality, of
 "honesty and punctuality in their dealings, of
 "sincerity, good humour and all social affec-
 "tions, and all generous sentiments among
 "the people *."* Even this would prove no
 more than empty declamation, were the re-
 public to delay one minute in the business
 of arranging those actual establishments
 which are to carry into practice this beauti-
 ful and accomplished theory; for, the vir-

* Constitution of Massachusetts, chap. 5. sect. 2. The en-
 couragement of literature. . . . The whole passage, at once in-
 titled to our attention and applause, runs thus: "Wisdom and
 knowledge, as well as virtue, diffused generally among the
 people, being necessary for the preservation of their rights and
 liberties; and as these depend on spreading the opportunities
 and advantages of education in the various parts of the coun-
 try, and among the different orders of the people, it shall be
 the duty of the legislators and magistrates, in all future periods
 of this commonwealth, to cherish the interests of literature and
 the sciences, and all seminaries of them, especially the uni-
 versity of Cambridge, public schools and grammar schools in
 the towns, to encourage private societies and public institutions,
 rewards and immunities for the promotion of agriculture, arts,
 sciences, commerce, trades, manufactures and a natural histo-
 ry of the country; to countenance and inculcate the princi-
 ples of humanity and general benevolence, public and private
 charity, &c. &c.

tues

tues which the American youth may have imbibed with the first elements of their education will scarcely last through any length of time, if, at their entrance into the world, the morals of the citizens may throw before them patterns of a contrary complexion. I perceive, therefore, with concern, that legislators, howsoever guided, at one moment, by consummate wisdom, have not admitted into any part of their system a set of fixed and constant rules for the preservation of sound morals. On the contrary, they discover a strong desire to favor the progress of commerce; and they open a door for avarice, by directing, for instance, that the governor shall have an honourable salary equal in all respects to what the nature of his post may call for *.

I, on

* The reader, having examined the whole passage to which this observation is a reference, will more clearly draw his own conclusions respecting the validity of the opinions of Abbé de Mably. (K.) "As the public good requires that the governor should not be under the undue influence of the members."

I, on the contrary, could wish that, in proportion to the importance of the dignities, the salaries annexed might be the less considerable. I should even like to see the abolition of all salary whatsoever*. The Americans are no longer the subjects of the king of England. At this æra, they are *free men*; and should my opinion appear in
their

bers of the general court, by a dependence on them for his support—that he should, in all cases, act with freedom for the benefit of the public—that he should not have his attention necessarily diverted from that object to his private concerns—and that he should maintain the dignity of the commonwealth in the character of its chief magistrate—it is necessary that he should have an honorable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws: and it shall be among the first acts of the general court, after the commencement of this constitution, to establish such salary by law, accordingly.”

Constitution of Massachusetts; part 2. chap. 2. sect. 1. art. 13.

* In England, where the most important dignities are (perhaps, too generally) conferred upon the chiefs of great and opulent families, the powerful heads of parties, and men of large landed property and extensive interest, the people would, in such cases, rejoice to see the abolition, or, rather (for, voluntary public virtue may claim and *must* receive the blessings of the multitude!) the patriotic and spontaneous refusal of all salary whatsoever. But, a commonwealth should draw out
valuable

their estimation as rigid and unpolished as it may seem in Europe, it will be impossible for me to avoid drawing from this circumstance an unfavorable omen for their posterity. Under a monarchy, money may make great lords; but, in a republic, it depreciates and sinks the magistrates. It is not either covetousness, or ambition, or luxury, or pomp which does them any honor. *They* little love their country who ask a salary for serving it. The citizen who little loves his country has but a trifling portion of intrinsic merit; and, thus scantily supplied with worth, by what miracle can he become a great and virtuous magistrate? Why cannot a governor, who should possess a decent fortune of his own, prove generous enough to

valuable integrity and excentric talents from the humble, and even the poor, obscurity of their situation, providing for them such compensations as (to borrow the language of the Americans) will support a line of action "*with freedom for the benefit of the public.*" The colonies may produce *their* Walshinghams and Andrew Marvels. Nor must *such* characters be permitted to remain either without employment or without salaries. K.

devote,

devote, without pecuniary rewards, one or two years of his life to the service and interests of the republic? This is the critical moment for the Americans. If, already, their morals are of such a stamp as to render it necessary that they should *purchase* magistrates, this detestable principle, mixing with the general temper of the citizens, will lower and disgrace the whole collective body. But, let the republic of Massachusetts, at one bold stroke, destroy the law concerning which I am now complaining. Let the chief magistrate display, but for a single time, his own disinterestedness: then, every citizen, aspiring to the honor of succeeding him, will imitate this example of his generosity; and the virtue must become, at length, common and familiar. Yet, give me leave to add that, in order to preserve this virtue, you must encourage the citizens to look without a blush on their simplicity. It is requisite to prevent, by sumptuary laws (laws favorable to the support and influence of sound morals)

morals) the progress of luxury, to diminish the wants of effeminacy and vanity; passions which overleap all bounds; which overturn, at length, monarchies themselves, and, in a moment, destroy republics. It is by this public and general discipline alone that you can truly and effectually work up and finish the education of your children.

North Carolina and Georgia are sensible of the advantages of education, but continue silent respecting morals. Is it because these two states are ignorant of the power of morals?

“ Quid leges sine moribus vanæ proficiunt ? ”

We may discover with pleasure that the legislators of Pennsylvania have turned their attention to this object *; but, praising virtues,

* A frequent recurrence to fundamental principles, and a firm adherence to justice, moderation, temperance, industry
and

tues, they should take measures to secure for them the public reverence and affection *. This point becomes of so much the greater importance, because the more a government is democratical, the more should uncorrupted morals maintain their empire within it. The people, led rather by their habits than by their understanding, and continually weak and subject to the influence of a multitude of prejudices, without resisting, become the sport of all their varying passions and opinions, and remain ignorant of those different temperaments to which the principal citizens of an aristocracy are accustomed, in consequence of their own interests. Yet, Pennsylvania will not at-

and frugality are absolutely necessary to preserve the blessings of liberty and keep a government free.

Constitution of Pennsylvania ; chap. 1. sect. 14.

* Laws for the encouragement of virtue and prevention of vice and immorality *shall* be made and *constantly* kept in force ; and provision *shall* be made for their *due* execution.

Chap. 2. sect. 45

tend

tend with actual advantage to the preservation of the public morals but in proportion as she applies herself to the great object of correcting, in the chief citizens, those vices from which it is the least natural that they should remain exempted. Successfully to labour at the accomplishment of this point, it, certainly, would be right not to limit the authority of the council of the censors to the enquiry whether the constitution has been preserved inviolate from all encroachments *. This council, appointed to assemble

* " In order that the freedom of this commonwealth may be
 " preserved inviolate for ever, there shall be chosen by ballot, by
 " the freemen in each city and county respectively, on the second
 " Tuesday in October, in the year one thousand seven hundred and eighty-three, and on the second Tuesday in October,
 " in every seventh year thereafter, two persons in each city
 " and county of this state, to be called the council of censors;
 " who shall meet together on the second Monday in November,
 " next ensuing their election; the majority of whom shall be a
 " quorum in every case, except as to calling a convention, in
 " which two thirds of the whole number elected shall agree;
 " and whose duty it shall be to enquire whether the constitution has been preserved inviolate in every part? And whether the legislative and executive branches of government
 " have performed their duty as guardians of the people, or assumed

ble every seventh year, seems, at the first glance, sufficiently favorable to the maintenance of the public peace and welfare. Hopes were, doubtless, entertained that this establishment would keep unruffled the pa-

“sumed to themselves, or exercised other or greater powers than they are entitled to by the constitution? They are also
 “to enquire whether the public taxes have been justly laid and
 “collected in all parts of this commonwealth, in what manner
 “the public monies have been disposed of, and, whether the
 “laws have been duly executed? For these purposes, they
 “shall have power to send for persons, papers and records; they
 “shall have authority to pass public censures, to order impeachments, and to recommend to the legislature the repealing such laws as appear to them to have been enacted contrary to the principles of the constitution. These powers they
 “shall continue to have, for and during the space of one year
 “from the day of their election and no longer. The said council of censors shall also have power to call a convention to
 “meet within two years after their sitting, if there appear to
 “them an absolute necessity of amending any article of the
 “constitution which may be defective, explaining such as may
 “be thought not clearly expressed, and of adding such as are
 “necessary for the preservation of the rights and happiness of
 “the people: but the articles to be amended, and the amendments proposed, and such articles as are proposed to be added
 “or abolished, shall be promulgated at least six months before
 “the day appointed for the election of such convention, for the
 “previous consideration of the people, that they may have an
 “opportunity of instructing their delegates on the subject.”

Constitution of Pennsylvania; chap. 2. sect. 47.

tience

tience of those citizens who might have felt just causes of complaint, but whom the prospect of soon obtaining a reparation for their wrongs might, also, hinder from forming cabals, from carrying on intrigues, or having recourse to measures of unusual violence. Yet, give me leave to ask, what would prove the conduct, and what the power of these censors, from whom the Pennsylvanians expect the perpetuity of their laws and of their government, should they not meet with the encouragement and support which are the natural result of the generally found morals of a republic. They, probably, would experience the fate of the Roman censors, who notwithstanding that they had rendered such great services to their country, became, at length, of no use to it, when corruption, introducing a contempt for laws, obliged them to remain silent. An inclination that the council of Pennsylvanian censors should execute the duties of their office would, necessarily, have
given

given occasion to the act of joining, with the power which they possessed, the care of foreseeing and preparing against the intervention of abuses, of watching over those symptoms which announce the approach of some new vice, and of running to the succor of some laudable custom, of some well-accepted usage, and of some virtue which might appear upon the point of either suffering a change, or sinking into imbecility. I acknowledge that, even in spite of these precautions, my confidence would not grow riveted beyond the power of wavering. A very slight reflexion upon the nature, the bent, the motion and the progress of the passions must convince us how indispensably necessary it is that they should remain under a strict subjection to a most vigilant and a perpetual censorship. Unless the state of Pennsylvania should resolve to open its career by taking the morals of the citizens under its protection, by meeting them with encouragement and driving to an insuperable

ble distance all obstacles and seductions which might reduce their vigor, and destroy their welfare: I should dread lest that council, which assembles, only every seventh year, for the purpose of repairing the injuries experienced by the constitution, and of preserving all its principles inviolably secure, might prove, of all others, the most unserviceable, and even destitute of the power to stem the torrent of the public morals.

Although I do not entertain a single doubt of your conviction that all laws, without the aid of morals, are superfluous, you must permit me to expatiate upon a subject of such importance. And here, I would intreat the United States particularly to bear in mind that they stand more in need of the assistance of morality, and of those establishments under which it has the power of rendering agreeable, and even dear, to all the citizens, the practice of the most necessary virtues; because, in this respect, they

they scarcely can acquire much advantage from religion, which the policy of all nations has, nevertheless, considered as one of the most powerful springs that puts in motion the feelings, sentiments and passions of the human heart, and that draws out the faculties, and directs the operations of the mind.

Your ancestors were engaged in laying the first foundations of your colonies, at an æra when England, busied, like the rest of Europe, in theological disputes, was torn in pieces by that fury of religious wars. They fled from that country within the bosom of which fanaticism predominated, and, filled with just and natural horror against the absurd tyranny which levelled its attacks against their consciences, they regarded, as the height of happiness, the liberty of serving and honouring God after that mode which was, according to the idea of the worshipper, the most rational. This man-

ner of thinking became the first principle and the conduct of your forefathers, and their children (if the expression be allowable) have sucked it with their nurses milk. From your constitutions it appears that this indefinite liberty of conscience still rests upon the declared and general opinion of your republics. But, circumstances are no longer the same. You have, now, emancipated yourselves from all subjection to the English who, at a former period, provided for your security. At present, you are obliged to *govern yourselves by yourselves*; and, perhaps, by granting the same rights to all the different sects, who are become habituated and familiarised to each other, you may experience the necessity of restraining your extreme tolerance, for the purpose of preventing those abuses which may start up as consequences of its unbounded lenity.

Since religion exercises over the human mind a dominion the most absolute, it, most undoubt-

undoubtedly, would prove a circumstance of infinite advantage, were all the citizens, united by the same form of worship, to pay obedience to the same divine laws, in like manner as they live under subjection to the same political institutions. And thus, for the purpose of rendering them happy, would religion join her powers to those of government. I well know that the United States can no longer aspire to the enjoyment of this liberty. The gospel, which serves as a common and general rule to all the sects which separate you from their opinion, inculcates the duty of peace and the love of our neighbor; and the government which draws together so many different religions, protects them all, in order to act with full conformity to the rules of Christian charity. But, give me leave to ask you whether you have adopted proper measures for preventing other religious innovations (to which you yet are strangers, and against which it will become you to put yourselves upon your guard)

guard) from breaking in to trouble your repose, and to renew in America those bloody tragedies of which Europe has been, through too considerable a length of time, the theatre * ?

You, certainly, are not blameable for having reduced the ministers of religion to the necessity of teaching it. Would to Heaven, that the emperors, the kings and the princes who embraced Christianity had not, in exchange for those spiritual blessings which they received from the ministers of religion, so profusely laden the latter with riches, with dignities and with temporal grandeur ! This, was sowing tares within

* The liberal and virtuous reader will exercise his own judgment upon the question (a question too important for a short discussion) whether Abbé de Mably, in this and the following pages, yielding to the dread with which he looks upon the evils which may, in *his* opinion, result from toleration, does not too rashly recommend a spirit of intolerance ; that spirit, the horrid history of the progress of which should be written in letters of blood ? K.

the

the field of the husbandman; and these tares have, in fact, choaked up the wholesome grain: the spiritual concerns have most obediently given place to temporal concerns.

The legislators of American confederation have taken an effectual care to avoid dashing upon this rock. The ministers of the different religions whom you admit into your states enjoy only that protection which is afforded by the laws to all who live beneath their influence; yet, they are *not* citizens, because they bear no part either in the public or the political administration of affairs. Exclusive of all this, the mediocrity of their benefices keeps cool and properly attempered the various emotions of their passions. Great possessions do not intice them, as in Europe, first, to confound together, and, afterwards, to prefer their temporal interests to the interests of religion. This is, indeed, a point of much service and importance. Yet, why should you, in

some measure, have cast a damp upon the minds and spirits of men to whom has been consigned the task of teaching systems of morality? You appear to mistrust them; and thus, possibly, may check their inclinations to look with love and reverence upon your laws. What would it have cost you to testify the esteem which, most undoubtedly, you owe to several of the ministers of your religions? It would have proved sufficient had you permitted them to vote at your elections*, and not excluded them from all public offices, except under the pretext that it might become unwarrantable to draw them in the least aside from those important functions with which they are particularly charged†. It is thus that in Europe the state has disencumbered itself of those ecclesiastics whose power incommoded them, and who forgot to preserve inviolate

* More incontestable than his arguments against toleration is the opinion of the Abbé de Mably, that the clergy should enjoy the right of voting at elections. K.

† See the appendix.

the sacred nature and the duties of their ministry.

But, let me pass to an observation of more consequence. Are you not in dread lest from this mixture of such a diversity of doctrines, a general indifference should arise concerning the particular worship of each of these religions? This worship is, notwithstanding, necessary to prevent a degeneration into deism, which cannot, possibly, impart stability to politics; except in cases where individuals exist whose understandings are above the common level; who can meditate, of their own accord, upon the wisdom of God, and know what duties are exacted from them by the precepts of morality. These deists may be virtuous; but the worship, to which they have been accustomed from their birth, becomes, by gradual degrees, a matter of indifference; they neglect it, and their example destroys the whole spirit of religion in that croud of citizens
who

who are incapable of supplying the place of it, and of instituting a set of principles for themselves. Then, do we perceive established amidst the multitude a species of gross atheism which accelerates the ruin of the morals. Attached, and groveling to the earth, the people no longer lift up their thoughts to Heaven, but forget the SOVEREIGN MASTER OF THE UNIVERSE!

Wherefore do I read in the laws of Pennsylvania that, "*no man who acknowledges the being of a GOD can be justly deprived or abridged of any civil right as a citizen, on account of his religious sentiments, or peculiar mode of religious worship*?" Keeping to the Christian religion, can you reasonably fear that it will not offer a sufficient number of sects to satisfy the wants of every class of worshippers? Would you, under the pre-

* Constitution of Pennsylvania ; chap. 1. art. 2.

tence of peopling with more rapidity your lands, call thither even those orders of religion which are, of all others, the most strange? I dare not explain my thoughts concerning *such* a project; and shall only remark that the greatest legislators have always proved less anxious to collect together within their republics a multitude of individuals than to form good citizens, and to unite them by similarity of sentiments. Let me intreat you to reflect that the character of your confederation is but as yet within the rough draft; the mere outlines. A war of seven years has not imparted to your states a national spirit. Under these circumstances, it would prove a great misfortune were a considerable croud of strangers to throw themselves amongst you; to *bring with them all their prejudices*; and *thus* to retard the progress of the public manners which should unite and bind the citizens together.

To

To introduce within your states a multitude of new religions is to throw down amongst them the apple of discord, and to awaken that spirit of dispute and controversy which the present temper of the times has fortunately occasioned to disappear*. Should these new religions obtain
pro-

* Perhaps, toleration may extinguish the spirit of controversy. Let the reader peruse the following liberal extracts, and judge for himself. K.

“ And whereas we are required by the benevolent principles
“ of rational liberty, not only to expel civil tyranny, but also
“ to guard against that spiritual oppression and intolerance,
“ wherewith the bigotry and ambition of wicked priests and
“ princes have scourged mankind : this convention doth farther, in the name and by the authority of the good people
“ of this state, ordain, determine and declare, that the free exercise and enjoyment of religious profession and worship,
“ without discrimination or preference, shall for ever hereafter be allowed in this state to all mankind. Provided that
“ the liberty of conscience, hereby granted, shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this state.”

Constitution of New York ; art. 37.

“ No authority can, or ought to be vested in, or assumed
“ by any power whatever, that shall in any case interfere
“ with

profelytes (and there is every reason to dread the circumstance, when we reflect upon the folly of the people; upon their rage for singular and fantastical innovations) what can prevent their exciting hatred, jealousies and bitter quarrels? At *such* a period, the republic, indeed, might only take an inconsiderable part; for, at the outset, the United States will occupy themselves almost exclusively in the cares of com-

“ with, or in any manner controul the right of conscience in
“ the exercise of religious worship.”

Constitution of Pennsylvania; chap. 1. art. 2.

“ All men have a natural and unalienable right to worship
“ ALMIGHTY GOD according to the dictates of their own
“ consciences and understandings; and no authority can, or
“ ought to be vested in, or assumed by any power whatever,
“ that shall in any case interfere with, or in any manner con-
“ troul the right of conscience, in the free exercise of religious
“ worship.”

Fundamental Rules of the Delaware State; sect. 2.

“ All men have a natural and unalienable right to worship
“ ALMIGHTY GOD according to the dictates of their own
“ conscience.” Constitution of North Carolina; art. 19.

The Constitutions of Massachusetts, South Carolina, Georgia, contain clauses all dictated by the same discerning and charitable spirit.

merce

merce and of agriculture. But, when a different order of dignity with respect to families shall have established itself amongst you (and this too soon will prove the case) when you shall have attained to a more abundant population; and when you shall have been exposed to those dissensions which must inevitably bring on the quarrels of the democracy and of the aristocracy, I should be glad to know what circumstance could prevent a set of covetous, ambitious, hypocritical and designing citizens from associating and blending the operations of these newly rising parties with the projects of their ambition. *That* which has happened in Europe occasions me to fear for *that* which must take place in America. The questions agitated by Luther and Calvin would have given trouble only to the schools, if powerful men, who, notwithstanding, despised them, had not affected to respect them, in order to draw over partisans to their own side, and to render themselves sufficiently
 • fermi-

formidable to give disquiet to the state, and particularly to aggrandize and to enrich themselves.

It appears that the legislators of South Carolina have wandered more than all others from the principles to which a sound policy will adhere, whensoever a necessity arises for tolerating a number of religions. They have enacted that "*whensoever fifteen or more male persons, not under twenty-one years of age, professing the Christian Protestant religion, and agreeing to unite themselves in a society, for the purposes of religious worship, they shall be, and be constituted, a church, and be esteemed and regarded in law as of the established religion of the state.*" The spirit of such a law is not, as in the other United States, to tolerate all religions, in order to prevent the introduction of fanaticism: on the contrary, it is only proper to keep it entirely awake and to impart to it fresh vigor. Religion presents to

us mysterious truths, and the fears and hopes which it occasions should make a powerful impression upon all persons who are capable of thinking. It, therefore, becomes necessary to strive to calm the temper of the mind, and to root out the prevalence of controversy. The law of South Carolina goes on precisely in a contrary direction. All know how obstinately mankind adhere to their particular opinions, how much it pleases them to witness their adoption, and to maintain an absolute dominion over the reason of their followers. To have become the chief of a sect appears a brilliant circumstance; and since Carolina permits every wild reformer of twenty-one to aspire to this honor, by having recourse to the imagination and the ignorance of fourteen as infatuated as himself, she may rest assured that, instead of being limited to one natural religion, she shall become surrounded by enthusiasts and fanatics*.

* See the appendix.

From

From the moment that a republic admits within its bosom a diversity of religions which, for the sake of peace, of union, of concord and of charity, enjoy all the same advantages and the same prerogatives, in *my* opinion, it must follow, as a necessary consequence, that the minister of these religions be permitted to preach and to inculcate their own doctrines. Yet, I could wish that each church, after having published its tenets and its discipline in a catechism, might, thenceforward, become precluded from the power of introducing any change, under the pretext of either developing articles of faith with greater clearness, or presenting truths in more conspicuous and settled points of view. No change should be permitted. Thus, may be prevented the disputes and quarrels of different sects; and other churches may become diverted from too strict and unremitted an endeavor to ascertain in what degree their rights are violated and wounded by the introduction of such

such innovations. The professors of the various sects will attend less closely to the motions of each other; and the habitude of observing these, without disdain, without disquiet, and without hatred, will, daily, grow more strengthened and confirmed.

The intricacies and windings of the human heart and understanding are so numerous and extended; and time may, or, rather, *must*, draw on a multitude of circumstances so varied and so fantastical, that it is impossible to take too many precautions against either fanaticism, or that indifference which seems as a preparative to the arrival of a multiplicity of religions. Why, therefore, should not the government, have its own moral and political catechism which they might teach their children, instructing them, at the same time, in the nature of the particular tenets of their forefathers, and of the forms of worship with which they ought to honor the SUPREME BEING? The composition

position of such a work would prove worthy of the wisdom of the continental Congress. This respectable body of magistrates, on whom depends all the prosperity of the United States of America, would then declare that, the Holy Scriptures being understood and interpreted in different senses by men who have searched after truth, with intentions equally pure and minds equally enlightened, they should fear transgressing beyond the limits of their power, were they to attempt to decide concerning questions on the subject of which Divine Providence hath not declared itself in a manner at once positive and convincing. "It is just and it is pious (would they observe) that all the religions of America, when adoring the depth of the judgments of God, should mutually tolerate each other, since Providence, with equal indulgence, is pleased to tolerate them all. Let us not pass judgment upon our brethren under the fear of passing judgment upon ourselves. Praying sincerely for the
 reve-

revelation and the propagation of truth, let the Americans faithfully observe the form of worship in which they have been educated. Should they commit mistakes, let them rest assured that the Divine Bounty will pardon the error of those men who believe that they are paying from the heart a strict obedience to truth. It is difficult to avoid forming a false conclusion respecting the relations of religion to our God, because they are enveloped by a multitude of mysteries; but the relations of religion to society are ascertained beyond the possibility of dispute. Who can entertain a doubt whether God hath intended to unite all mankind by the ties of morality and virtue; ties whereon is founded the welfare of each citizen and of society?"

I am aware of the objections which the prevailing religion of Europe may make to such a catechism; nor do I mean to argue as a theologian; but rather to confine myself

self within the observation that it is a necessary consequence of that tolerance from which you cannot deviate. You are sensible that all your religions will feel a disposition to extend to each other that indulgence which you desire. Your offspring who, at an early age, shall have imbibed this doctrine, will preserve its principles throughout the whole duration of their lives. The citizens will become attached to their religion, as expecting from it great blessings, during a second life; nor will they indulge an indiscreet aversion from other religions, because they will procure for their followers the same recompence and the same felicity.

I should desire that in order to form and fix the national character, the catechism of the continental Congress might not rest at this point. Why should this work, without ceasing to come within the level of the comprehension of children, and of men who will resemble them during the whole space
of

of their lives, by either the dullness or the levity of their organs and their understanding, not form within itself a clear and complete treatise of morality? It is easy to expound the nature of all our duties in a simple, short and sensible manner, and every person may draw from it either more or fewer consequences, in proportion to the power or the debility of the intellectual faculties with which he is endued. After having explained the duties of man, *in his character of man*, it may be proper to consider them as connected with his quality of citizen; and, from this new relation shall we perceive arising new virtues, at the head of which will appear a love of the laws, of the country, and of freedom. I shall then shew, by sensible images and examples, how these three virtues stand in need of reciprocal succor, in order to preserve the full extent of all their dignity. They wander from their mark, and constantly degrade themselves, unless perpetually united. I ask not for metaphysical

fical arguments. Let it suffice that we enlighten simple minds; and point out principles to philosophers who may desire to form magistrates for the republic; that we investigate the power of the human passions; their course, their progress and their union; that we ascend to the origin of our virtues and our vices; and that we stand upon our guard even against ourselves, by presenting to our own eyes a striking picture of our inclination to yield to the deception of the false appearances of happiness and of misfortune.

I have expatiated upon the subject of this catechism, concerning which I, notwithstanding, offer you but trivial sketches. Yet, I ask it from the Congress, not only because I believe that each of your republics will draw from it some points extremely beneficial to the administration of its particular affairs; but because it may still serve to cement and strengthen their union, by

gradually imparting to them a familiarity of sentiment. The more indisputable to confirm the idea of the necessity of this work, I shall add, that it is extremely dangerous to establish, by a law, the most absolute liberty of the press, in a new state, which has obtained its freedom and independence, previous to the acquisition of the art or science of using it with propriety *. It cannot be denied, that to restrain the liberty of the press is to confine the liberty of thinking: and that, consequently, neither the understanding, nor the morals can make even the most trivial progress. Grant it to all the learned who study the secrets of nature; who seek for truth amidst the shattered fragments of antiquity, and the obscurity of modern times; and who write concerning the laws, the regulations, the decrees and

* The advocates for the freedom of the press (and these compose a part of the most enlightened, spirited and virtuous of the human race) will, probably, think that too high a passion for intolerance has dictated the remarks in this, and some of the succeeding pages. K.

the

the particular arrangements of the systems of politics and of administration: *their* errors will never lead to any baneful consequence; *their* discussions, whatsoever they may prove, will sharpen our understanding; will render it accustomed to well-regulated pursuits; and cast a serviceable light upon morality and politics.

But, the Americans being too much familiarised to the philosophical ideas, the opinions and the prejudices of England, to break loose from them, *in a moment*, what ground have we to hope that they would not continue to draw dangerous consequences from errors which they might regard as principles, were they to enjoy the full freedom of the press; the unfettered liberty of printing what they chose, before the continental Congress shall have established those truths which are to form the morality, the politics and the character of the confederation? So long as your republics neglect to institute a
council,

council, or a senate, to serve them as a *palladium*, for the purpose of maintaining and of perpetuating the same spirit; what wavering doctrines, what fantastical tenets, what confused and distempered systems must you not expect, when each citizen, who may possess abilities for writing, can, with impunity, amuse the public with his chimerical ideas, and even attack the fundamental principles of society * ?!

It

* If it be amongst the *prejudices* of England to maintain inviolate the *constitutional* liberty of the press, the warm and (we, indeed, believe) sincere attachment of the Abbé de Mably to his friends, the Americans, should have induced him to reverse his wish, and hope, with more than usual fervor, that they would *not*, at *any* moment, break loose from this particular *prejudice* of England. It requires more than nice discernment; a liberal spirit, and a splendid impulse of enlightened magnanimity must co-operate to forge a chain (of law) which shall impede the movements of licentiousness, yet not admit one single link that could despotically bind the bold, correcting, virtuous career of freedom. To *this*, the genuine spirit of the English form of government is equal; and, if a love and reverence for *such* a spirit, together with an invincible determination to shield it (as it *has been* shielded) by force of arms, and at the price of life, from all tyrannical encroachments, deserve to be regarded as the *prejudices* of England, to *these* it is not possible

It was not thus that the antient republics,
which merit our admiration, arranged their
forms

possible that either the Americans, or *any* state upon the surface of the whole earth, can prove "*too much familiarised*." Abbé de Mably is too accurately versed in the constitutional history of nations coolly and seriously to suppose that the laws of England do not place all *proper* restraints upon the press; restraints obvious to every enquirer; and, therefore, neither wanting nor admitting, during the short course of these natural remarks, the least enumeration. Such salutary restraints (which do not wound the trunk; nor branch; nor twig; nor even hurt the leaf; but, *only* cut away the dangerous excrescence) demand, and actually receive the full obedience of our well-intentioned fellow-subjects. To *these* do we submit; and, perhaps, partly, in order to indulge, with *less restraint*, the *necessary* exercise of our freedom:

"*Ideo, legibus servimus, ut liberi simus* *."

Abbé de Mably appears desirous to exclude from the press *all*, except "the learned who study the secrets of nature; who seek for truth amidst the shattered fragments of antiquity and the obscurity of modern times; and who write concerning the laws, the regulations, the decrees and the particular arrangements of the systems of politics and of administration." May not the executive servants of the state, and numberless individuals, enjoying too large a share of power and of influence, at some particular period, display a marked propensity to violate the rights and privileges of their fellow-citizens? On such occasions, must *no* warning voice be lifted up, in time, to crush the evil at its outset? May not

* *Cicero*.

But,

forms of government. They stood upon their guard against the imbecility of the human man

But, it is needless to crowd question upon question to prove the impolicy (too soft a term) of the recommended restrictions of our author upon the freedom of the press.

It seems extraordinary that the states of New York and New Jersey * should (unless I have overlooked the passage) maintain, in their *new* constitutions, a profound silence respecting this important subject. The other governments are extremely pointed on the occasion :

“ The liberty of the press is essential to the security of freedom in a state ; it ought not, therefore, to be restrained in a commonwealth.”

Constitution of Massachusetts ; part 1. art. 16.

“ The people have a right to freedom of speech, and of writing and publishing their sentiments ; therefore, the freedom of the press ought not to be restrained.”

Constitution of Pennsylvania ; chap. 1. sect. 12.

“ The printing presses shall be free to every person who undertakes to examine the proceedings of the legislature, or any part of government.”

Constitution of Pennsylvania ; chap. 2. sect. 35.

* I have not seen the laws of the province of New Jersey, contained in the edition lately published by Mr. Allinson, which are to remain in full force, until altered by the legislature of the colony (such only excepted as are incompatible with its constitution) but, probably, one of these laws points to the preservation of the liberty of the press.

“ The

man mind; they knew how easily delusion can establish within it her full empire; they were not strangers either to the passions by which the multitude is agitated in a democracy, or to those more serious and more constant in their nature, which prevail under an aristocracy. Hence arose their care either to direct or fetter them, and to proscribe whatever might become a detrimental shock to morals. Had the art of printing been known at that epoch, it is not likely that they would have suffered indiscreet and daring writers to publish their pernicious paradoxes, in order to catch the attention of

“ The liberty of the press ought to be inviolably preserved.”
Constitution of Delaware. Declaration 23.

“ The liberty of the press ought to be inviolably preserved.”
Constitution of Maryland; sect. 38.

“ The freedom of the press is one of the great bulwarks of
“ liberty, and, therefore, ought not to be restrained.”
Constitution of North Carolina; sect. 15

“ That the liberty of the press be inviolably preserved.”
Constitution of South Carolina; sect. 43. K.

the

the people; and to inflame men incapable of thinking against those to whom the laws confided the cares of government and of the common weal. The Spartans banished from their territories a poet who praised the pleasures which *they* despised, and would not suffer the addition to the lyre of a new string that would have rendered the sounds of it more tender and effeminate. The Romans regarded the *Sybilline* verses as sacred books, to be consulted under the most trying circumstances; but, they intrusted them to the care of particular magistrates, and were sensible that it would prove dangerous to leave them in the hands of a populace unable to fathom the depth and meaning of their contents, and properly to fit them to the maxims of the republic *.

* The Abbé de Mably may have imparted brilliancy (but not strength) to his arguments against the liberty of the press, when pleading for the policy of restraining it, because the plebeians of Rome were not suffered to meddle with the *Sybilline* books! and because Timotheus was driven out of Sparta for putting a tenth chord to his lyre! K.

I think

I think that I should place the importance of my observation in the most convincing point of view, by intreating you to recollect how very inconsiderable is the number of individuals who are capable of thinking by themselves, and of discussing an opinion. The remainder forms a mass of children, without a single idea of their own, unaffected by any absurdity whatsoever, and receiving only such succors for the understanding as are the casual result of memory. If government be instituted in order to direct and give the lead to a kind of thinking amongst mankind, as fathers of families are appointed to guide their children, whose reasoning powers are not yet developed, it seems to follow that this government, neglecting properly to manage the extremely moderate, common and infantine reason of the majority of the citizens, would not become either less imprudent or less guilty than the father of a family who should have failed to caution *his* children

children against those dangerous opinions which might lead astray their reason, not yet beyond its dawn, and too feeble to distinguish truth, and escape from the seductions of paradoxes and of falsehoods,

If, in America as in Europe, sophists, or ill-disposed declaimers, attack those truths which are the corner stones both of morality and politics; if prejudiced and selfish men will sacrifice the first principles of society to all their private interests; if the most immoral writers persuade the citizens to throw off all fear, shame, remorse and honor; and if others deal out, with equal indiscrimination, either illusions or truths, why should the passions, less hardened and audacious in America than in Europe, produce in the former effects less fatal? Observe what passes in our world! Thanks to the writers of books for the purpose of giving charms to vice! The morals have broken loose from every rule; they have *enfeebled*,
or,

or, rather, they have *destroyed* the empire of the laws: the governments are unhinged from them; and politics, without the succors of morality, continue wondering as chance directs, and only quit one error to embrace another!

I could wish, therefore, that every writer were obliged to put his name to his work; and should he offend against morals, the majesty of the laws and the respect due to those invested with the executive power, then let him become subject to *their* animadversions. Should he strive to hide himself under a fictitious name, what reason ought to prevent his undergoing a severer punishment; since even the concealment is a proof that he knew the mischief wherein he was engaged, and had not innocently fallen into mistakes? It would prove an act of justice if, during some years, he were to remain deprived of all the rights of citizens, at elections.

Notwith-

Notwithstanding that through the whole course of this letter I have only pointed out to you the power of morals, the necessity of keeping them properly corrected, and of preventing their declension, if it be your object to possess a pure government and salutary laws *, I acknowledge that my remarks are but the rough drafts of this important matter. Should the persons now placed at the head of affairs in America desire to see the subject much more elucidated, let them read the excellent work of which Doctor Brown published a third edition, in the year 1757, under the title of "*An Estimate of the Manners and Principles of the Times.*" I am not acquainted with any

* We must again declare (and, scarcely, without indignation) that restraints upon the freedom of the press cannot fall under any part of the description of "*a pure government and salutary laws.*" If either Abbé de Mably, or the political writers of any country, have already prepared, for the acceptance of the Americans, codes of laws which come violently home to this arbitrary point of prohibition, it is a friendly voice that exclaims to them :

"*Time Danaos ; et dona ferentes. !*" K.

book

book in which the science of politics is more thoroughly and skilfully investigated. The author, according to the manner of the antients, considers, during a present moment, the future time, of which he announces the occurrences. This work became at once exceedingly successful in England: the minds of the nation were scared by the truths which he had placed before them; but, corruption had already made so great a progress, that they could not awaken themselves into a resolution of amendment; and, therefore, they continued sleeping in the very midst of all their vices. The war of 1756, notwithstanding, covered the English with glory; they conquered on every ocean; in all quarters, the progress of their arms was brilliantly successful; and then it was that the people ridiculed the fears of Doctor Brown. To avoid disquieting themselves, they were unwilling to observe that so much prosperity was the work of a man of genius, who suspended, as it were, the fall

fall of the country, by upholding and even multiplying the causes of its ruin *. This *ephemeron* kind of glory has disappeared : the Americans have experienced that their enemies began to sink under the weight of their inor-

* Such are the sentiments of Abbé de Mably ! . . . Doctor Brown (at once an object of pity and of admiration ; the manners and the habits of whose life (and we will drop in friendly silence all mention of his untimely death) were not congenial with the sternly-reprobatng spirit of his " Estimate ") remarked that the British nation "*flood agbapt at its own misfortunes ; but, like a man starting suddenly from sleep, by the noise of some approaching ruin, know neither whence it came, nor how to avoid it.*" It was in answer to this *Estimate* that a Mr. Wallace drew up his "*Characteristics of the political State of Great Britain* *." The favorable reception which they met with was like the thanks offered by the Romans, at a more alarming period, to their consul, "*quod de republicâ non despetasset.*" If we look back upon the national events which *terminated* the career of the last reign, and threw such lustre over the *beginning* of the present reign, we may at once discover in which of the mirrors presented to them, by Doctor Brown and Mr. Wallace, the people of England saw their own likeness. The work of the last author becomes scarce ; but, it is not his *chef d'œuvre*. For *that*, we may refer to his

* The elegant and entertainingly-instructive author of the *Biographia Dramatica* observes that the "*Estimate*" was "*run down by popular clamor, but not answered.*" We will not dispute his assertion in the first point ; but, may take the liberty of inferring that he *appears* mistaken in the second.

" *System*

inordinate ambition, and that the manners censured by Doctor Brown forced them to expose

" *System of the Laws of Scotland*:" the offspring of deep thought and indefatigable labor; which *must* have fixed his reputation, although only the digressive parts of it had been attended to; and, amongst these parts, *his charitable remarks concerning the servitude of our negroes*. I cannot conclude this note without introducing an opposite quotation from a work † in which the author, although modestly appearing to aim no higher than the art of pleasing, in a simple narrative of curious facts, steals imperceptibly upon the mind, and, by his observations, never leaves it worse, but often (we should hope) much better than he found it.

" In this celebrated *Estimate* we meet with great inequalities; amidst many bright thoughts and just observations, delivered in a very copious and animated style, we shall find a great propensity to novelty and paradox. Did solidity of judgment keep pace with the rapidity of his fancy, we should do nothing but admire. His despair of the public, from his viewing the dark side of the question, and his misrepresenting of objects, sometimes throws him into the most gloomy and melancholy reflections. What can we say of the following postulatam?

" *But, if, in any nation, the number of these superior minds be daily decreasing, from the growing manners of the times, what can a nation so circumstanced have more to fear, than that, in another age, a general cloud of ignorance may overshadow it? !*"

† Life of Garrick, by Mr. Davies.

expose the closing limits of their strength and of their power; but in particular, of that national and patriotic pride which yet served to counterbalance the vices of the country. Unless I much mistake, the legislators of America may reap from the work of Doctor Brown the most useful instructions, provided that they adopt his principles and his method.

Give me leave, Sir! previous to the conclusion of this long letter, to examine some articles of the American constitutions which do not, in my opinion, appear to have concerted any preventions for the abuses which threaten to invade you. For instance, do you approve of that law which enacts that the judges of the supreme court of judica-

It has been remarked that Doctor Brown "had a soul full of gratitude;" and that "his honor and integrity were unquestioned by all who knew him." For these uncommon virtues, we bury faults, and even vices, in oblivion. . . The panegyric is a laurel, over his grave, which will not wither. K.

ture

ture shall preserve their places so long as they behave well * ? At the first glance, this regulation

* The validity of these remarks appears much lessened by the consideration that the judges are removable only upon *conviction* (of misbehavior) *in a court of law*.

The superior legislative talents of Abbé de Mably may frame edicts more unexceptionable than the following, which, if they do not operate as a refutation of his arguments, are, at least, proofs of the sound policy of the lawgivers from whom they have proceeded.

“ The independency and uprightness of judges are essential to the impartial administration of justice; and a great security to the rights and liberties of the people; wherefore the chancellor and judges ought to hold commissions during *good behaviour*; and the said chancellor and judges shall be removed for misbehaviour, *on conviction in a court of law*; and may be removed by the governor upon the address of the general assembly, *provided that two thirds of all the members of each house concur in such address*.”

Constitution of Maryland. Declaration of Rights; sect. 30.

“ That the chancellor, all judges, the attorney general, clerks of the general court, the clerks of the county courts, the registers of the land office and the registers of wills shall hold their commissions *during good behaviour*, removable only for misbehaviour, *on conviction in a court of Law*.”

Form of Government of Maryland; sect. 40.

“ The president and general assembly shall, by joint ballot, appoint three justices of the supreme court for the state, one

gulation appears founded in wisdom: yet,
these are my objections. I should apprehend
that

“ of whom shall be chief justice, and a judge of admiralty, and
“ also four justices of the courts of common pleas and orphan
“ courts for each county, one of whom in each court shall be
“ styled *chief justice*, to be commissioned by the president under
“ the great seal, who shall continue in office *during good beha-*
“ *viour.*” Delaware Declaration of Rights; sect. 12.

“ The judges of the supreme court shall continue in office,
“ *for seven years*; the judges of the inferior court of common
“ pleas in the several counties, justices of the peace, clerks of
“ the supreme court, clerks of the inferior court of common
“ pleas and quarter sessions, the attorney-general and provin-
“ cial secretary shall continue in office *for five years*; and the
“ provincial treasurer shall continue in office for one year;
“ and that they shall be severally appointed by the council
“ and assembly in manner aforesaid, and commissioned by the
“ governor, or, in his absence, the vice president of the council.
“ Provided always that the said officers severally shall be capa-
“ ble of being re-appointed at the end of the terms severally
“ before limited; and that any of the said officers shall be lia-
“ ble to be dismissed, *when adjudged* guilty of misbehaviour,
“ by the council, on an impeachment of the assembly.”

Constitution of New Jersey; sect. 12.

“ The judges of the supreme court of judicature shall have
“ fixed salaries, be commissioned *for seven years only*, though
“ capable of re-appointment at the end of that term, but re-
“ *moveable for misbehavior, at any time, by the general assembly.*”

Constitution of Pennsylvania; chap. 2. sect. 23.

The

that individuals aspiring to these offices of magistracy, conceiving that their hopes were too distant from any prospect of completion, might, in order to obtain their point with more celerity, call in the arts and practices of intrigue. They might lay snares in order to entrap the judge whose post they were ambitious of securing for themselves. They might raise up against him secret enemies; for, to what perfidious artifice is the ambition of an intriguing man not capable of proceeding? Should the magistrate thus attacked, oppose only his probity to these envious persecutors, and sink under the contest, all is lost: and soon, his successors, convinced that, upon these occasions, the aids of virtue are too feeble, will oppose only intrigue to intrigue. They will strive, by every studied mark of complaisance, to gain friends and powerful protectors, just

The last three clauses, not *absolutely* securing to the judges their places *during good behaviour*, may afford a gleam of comfort to Abbé de Mably. K.

tice

tice will no longer hold an equal balance : and yet, no circumstance can prove more fatal to public morals than the corrupt practices of magistrates during the administration of justice. *Then*, do the laws lose all their credit ; for, means are easily discovered to elude them under the pretence of making them more just.

My fears, or, rather, my zeal, for *your* interests, may, probably, exaggerate these dangers. I will, therefore, grant that the spirit of intrigue, so common in Europe, may never reach America. And, hence, what follows ? The first magistrates will prove, at the commencement, exceedingly attentive to their duty. Not one will become displaced ; and such a preservation of posts until the death of the possessors will, by degrees, render it customary to think that they are granted for their lives. The successors of these admirable men, becoming flattered by an opinion which favours their
vanity,

vanity, will adopt it with the utmost eagerness. Then the evil begins; then, these upright magistrates relax from the firm rectitude of their conduct, grow negligent and less attentive to themselves. At first, slight faults will meet a pardon, because a removal, until that period unknown, will appear too harsh a punishment. Crimes will then increase; to these, delinquents will become habituated; and, from their sanctioned faults, the judges will arrogate to themselves a kind of privilege or right to continue in their misbehavior. This is not, by any means, a vague and frivolous prediction; for, the men of the law, more circumspect than others, proceed by slow and gradual degrees; nor will the republic become so sufficiently fortunate as, in consequence of one flagrant act of injustice from this body, to feel and yield to the necessity of watching over its own interests, and of applying remedies to abuses.

Having

Having adverted to the courts of justice, may I beg leave to introduce a word concerning the courts of equity? This establishment might have proved useful in England, during its subjection to the polity of the fiefs, and when the laws were unavoidably equivocal, rude and undigested. What, during such a period, was the least bad might pass for good. But, America remains no longer under the same circumstances. I should much like to have the judges follow the letter of the law. If it appear to them, in certain cases, either obscure or unjust, instead of erecting themselves into legislators, let them consult the legislative power. I dread lest the courts of equity, under the pretence of deciding according to the letter of the law, should corrupt it, and, by imparting to it an arbitrary disposition, pervert its nature. My apprehensions appear to rest upon a stronger ground when I reflect (nor do I think myself mistaken) that, amongst all the nations of Europe, the civilians

lians have availed themselves of their abilities solely for the purpose of rendering the meaning of the law obscure and indecisive. To this are they indebted for their consequence: and we, indeed, should stand much less in need of them if they did not conduct us through the dark windings of a labyrinth. I must again repeat: if any law should prove equivocal, or seem too rigid and hostile to the rules and dictates of humanity, it then becomes necessary to recur to the legislative power; which alone enjoys the right of introducing its own amendments; and it is a point of high concern to the security and quiet of the citizens, that no court of justice should, at its own discretion, assume a jurisprudence which may easily degenerate into intolerable tyranny; because it will quickly become obedient to all the passions of the judges.

You must forgive my freedom, when I declare that, in these American constitutions

tions are several laws which it is impossible to avoid approving and condemning, at the same moment. For instance: the republic of Massachusetts enacts that "*as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature;*" and next adds that "*the military power shall always be held in exact subordination to the civil authority and be governed by it **". This law clearly and excellently points out, but does not prevent, the danger. Wherefore has it referred only to the times of peace †? Is it because, during

* Constitution of Massachusetts; part 1. chap. 17.

† Abbé de Mably, though *right* in point of argument, *appears* to have set out upon a *wrong* principle. Surely, to declare that the military power shall *always* be holden in *exact subordination* to the civil authority and *governed* by it, is a provision equally and pointedly allusive to times of war and peace. And, strictly, in the same meaning, are the following clauses:

"The military should be kept under strict subordination to, and governed by the civil power."

Constitution of Pennsylvania; sect. 13.

"A well-

during a state of war, armies are less disposed to remain under a subjection to the civil power? Persons endued even with considerable understanding would feel a difficulty in assenting to this paradox. And, in-

“ A well-regulated militia is the proper, natural and safe defence of a free government.”

“ Standing armies are dangerous to liberty, and ought not to be raised or kept up without the consent of the legislature.”

“ In all cases, and at all times, the military ought to be under *strict subordination* to, and *governed* by, the civil power.”

“ No soldier ought to be quartered in any house, in time of peace, without the consent of the owner ; and, *in time of war, in such manner only as the legislator shall direct.*”

Constitution of Delaware; sect. 19, 20, 21.

“ *In time of war*, quarters (for soldiers) ought not to be made *but by the civil magistrate, in a manner ordained by the legislator.*” Constitution of Massachusetts; part 1. art. 27.

Three clauses in the constitution of Maryland contain exactly the same words as the foregoing.

And almost *literatim* with these is another clause in the declaration of rights by the North Carolinians. Even a smaller quantity of plain and sterling sense would have proved sufficient to overthrow the paradox in question. K.

deed, too often do we read, from history, of generals who have inspired their troops with some portion of their own ambition. The end of this law is vague and mutilated. The question is not that the army ought to continue in subordination to the civil power; for, such a truth is trivial; and it behoves the legislator to employ all possible means and measures, in order that this subordination, being once established, may exist, secure from every derangement. What numerous precautions are necessary in a free state, for the purpose of making good soldiers, yet never venturing to turn their power to unbecoming uses! These points neglected, the times will reproduce a Sylla, a Marius, a Cæsar, a Cromwell, or a Valstein.

In the constitution of the state of New York "*it is enacted that the militia, at all times thereafter, as well in peace as in war, shall be armed and disciplined and in readiness*"

"ness for service." It is easy to perceive how many attainments this law has still left for us to desire. The constitution of Pennsylvania directs that "the freemen of this commonwealth and their sons shall be trained and armed for its defence, under such regulations, restrictions and exceptions as the general assembly shall by law direct, preserving always to the people the right of choosing their colonel, and all commissioned officers under that rank, in such manner and as often as by the said laws shall be directed*."*

This disposition has the same defect with which I have reproached New York. It seems as if the legislator saw only the end in view, without looking to the means by which he should attain to it. In vain have I explored the legislation of your republics, if, still, I prove incapable to discover in them those relations which unite the inte-

* Constitution of New York; art. 40.

* Constitution of Pennsylvania; chap. 2. sect. 5.

rests and the wills of citizens. I do not there perceive that harmony which holds all the parts of the state within a kind of equilibrium, and gives to them the same spirit.

You must expect that your people, of whom the laws have so clearly established the sovereignty, may prove difficult to manage, because they will perceive and feel their power. Armed in the defence of their country, they will become jealous of their dignity; they will grow disquieted and suspicious when they observe citizens (although not their superiors by any legislative rights) pluming themselves too much upon their fortune to mix amongst them, and putting on affected airs of merited pre-eminence. This is an incurable disease in all free states where riches are unequally divided. Should this leaven of envy, of jealousy and of ambition become inactive, it must follow, as an infallible sign, that the sentiment of liberty,

berty, enfeebled and almost destroyed, cannot subsist for any length of time. But, if it ferments with too much force, the republic will experience those shocks and violent commotions which, necessarily, must drive it to destruction. What, therefore, is the regimen the most suitable to such a temperament? It must arise (if I mistake not) from conciliatory laws which, without proceeding to the least infringement upon the rights and privileges of the poor, will prevent the rich from perverting to unwarrantable and dangerous uses those passions with which their affluence may have inspired them. To the mediocrity of their fortune are the people indebted for that kind of moderation from which they do not deviate, unless irritated by disdain, or by the violence of injustice. On the contrary, riches infect the possessors with a degree of vanity which, in proportion as it proves the most foolish is the most imperious. Resolved to exercise some authority, it grows accustomed to consider

consider its hopes as actual rights. Why, therefore, following the example of Georgia, the constitution of which forbids estates to be entailed *, do not the other united commonwealths introduce the same proscriptions †? Why do not the laws extend to a division of those fortunes which the avarice of the rich incessantly accumulates? Why, regarding and describing luxury as contemptible, are not means, also, devised for taking away from the thirst after the fruition of this luxury that nourishment which, more than replenishing, will render it insatiable? Had the American consti-

* Estates shall not be entailed ; and when a person dies intestate, his, or her estate shall be divided, according to the act of distribution, made in the reign of Charles the second, unless otherwise altered by any future act of the legislature.

Constitution of Georgia ; art. 51.

† Abbé de Mably *appears* to have overlooked the following clause :

“ The future legislature of this state shall regulate entails
“ in such a manner as to prevent perpetuities.”

Constitution of Pennsylvania ; chap. 2. sect. 37.

tutions

tutions been established upon these principles, I should, with pleasure, have perceived that they were not ignorant of the danger to which your republics are exposed, and that they, at least, had struggled to establish, within the state, a bond of peace and concord, and to secure and strengthen the foundations of their liberties.

I, frequently, reflect, with pleasure, upon the situation of the Swiss cantons. Some of these possess, in common, little provinces, of which they are the sovereigns. All have unequal powers; different laws; religions, in every other quarter, hostile to each other; and yet, in this happy country, neither giving nor receiving the least occasion of offence. They are united amongst themselves by ties less powerful and less regular than those which associate the thirteen states of America; nevertheless, they are in the full enjoyment of a degree of order and tranquillity which, probably, these last
may,

may, indeed, desire, but not obtain. This country has never experienced troubles, except at some periods; and even then they terminated without leaving, as melancholy memorials of their existence, the seeds of hatred, of envy, or of ambition. Why, under the democracy of some cantons, do we not perceive any of those caprices, those flights of extravagancy, which are amongst its natural appendages? Wherefore, for instance, is an aristocracy, by nature, no more, within the canton of Bern, than a paternal government? And why do all its magistrates consider themselves as the *agents*, and not the masters of society *?

The

The government of Switzerland has been expressively flattered by *Mellaredé*, a minister of Savoy, "*Confusio divinitus conservata*:" and *Chapelle* (author of the letters from an Helvetian to a Frenchman) with equal felicity of description, applies to it the terms in which Horace mentions the universe: "*Rerum concordia discors*." What, indeed (to borrow the idea of a discerning statesman) can prove more a paradox in politics, than thirteen republics, having different religions, different alliances, different maxims and different forms of government;

The more deeply you probe into the causes of this happy administration, the more firmly will you become persuaded that it is the work of that silence to which the natives of Switzerland have condemned the most natural passions of the human heart. Carefully have they driven to a distance those temptations which might induce magistrates to prove guilty of ambition and injustice. Therefore, do the people, inspired with confidence, and perfectly secure, revere and love the laws on which they place a full dependance. Their country is dear to them; and they perceive, without concern and without disquiet, those negligences or little wrongs which are inseparable consequences of the frailty of human nature.

vernment ; thirteen republics which do not depend at all upon each other ; and yet form but one body, of which the members are independent and without a chief : a body which has subjects and allies who are not those of the members ; members having subjects and allies who are not those of the body ? Such is this fantastical constitution, which has existed beyond the space of four centuries, without fortresses, and without standing armies. K.

Z 2

They

They inhabit a poor territory, which preserves them from all the impertinent wants that afflict society, and debase nations remarkable for their opulence. The foreign service in which they are engaged at once produces two advantages: the one is, that, in despite of that peace which they love and which they enjoy, they are formed into good soldiers; and the other is, that it frees the country from those bad subjects who cannot rest contented with the simplicity of Helvetic manners*.

* That with a most barbarous insensibility concerning either the justice or the injustice of the cause, they have fought, as mercenaries (*mercenaries to a proverb!*) under the standard of foreign powers in a foul speck, which much obscures the brilliancy of all their public and all their private virtues. The term "*carcase butchers*," howsoever coarse, is gentle in the scale of justice, when applicable to the German princes, who let their subjects out to *any* tyrants that have drawn the sword against their injured fellow-creatures! And it behoves the Swiss to take especial care! for, most judiciously has the author of "*La Science du Gouvernement*" observed that one of the future principles of the destruction of the Helvetic body may be the influence preserved within it by those nations in whose service the people of Switzerland employ their troops. The subsidies which foreign princes

These reflections have naturally excited my astonishment to find that the United States of America, possessing fertile lands, and enjoying a situation the most favorable to the introduction and progress of an affluent commerce, should not have foreseen how soon they must become exposed to all those abuses which unavoidably attend extreme riches. Therefore, should their legislators consider that their republics could not, without difficulty, attain to those manners for which liberty so naturally calls. Standing in this predicament, they should not rest contented with vaguely recommending the practice of some virtues, but carry their duty still farther, and neglect no means

princes pay to these cantons, and (what is infinitely more dangerous to a republic) the pensions which they either openly or secretly allow to many particular individuals, secures for them their suffrages in the deliberations of the Helvetic body. The unprincipled shares in such corrupting stipends direct (whensoever they have any authority in managing the affairs of government) the public councils as much as possible towards the end which those powers, who are their paymasters, have, chiefly, in their view. K.

whatever

whatever to render these virtues endearing and familiar.

To *this* point we *must*, certainly, agree: the Americans have established their independence, under a train of most unfortunate occurrences. Those times are past during which powerful, elevated and daring minds were at once capable of perpetrating the most violent injustice, and of soaring to the sublimest points of virtue. The Swifs, too poor to become infected by the vices of the present age, and united even by their poverty, rose against those lords whose impositions and whose cruelties at length harrassed and wore out their patience; nor could they, in their enterprize, have proposed to themselves any other attainments except liberty and glory; for, *all* the rest was totally beyond their knowledge. On the contrary, your colonies, already spoilt by their relationships and affinities to the mother-country, look with an eye of equal envy upon

upon her opulence and her freedom ; and it is for this reason (as I already have had the honor to inform you) that I could have wished that a long and toilsome war had substituted new passions and new ideas in the place of those which you have received from Europe.

I now return to the people of Switzerland ; and the more I examine their confederation, the more am I persuaded that they owe the perpetuity of their manners, and of their equality, to that happy institution which holds them together without any fortified town, any military place where they must maintain garrisons, or in other words, mercenary soldiers, who are *but* soldiers, and never more at ease, and in their element, than when they can intimidate the quiet citizens, and make them feel their fancied superiority. And thus it happens that the magistrates, unable to have recourse
to

to troops, of whom they might dispose at pleasure, become habituated, even in despite of themselves, to the pursuits of conciliation and of justice. They are more measured and cautious in their undertakings, because their imagination, not feasting itself upon daring projects, resists with ease the impulse of fallacious hopes. With fortresses and with mercenary garrisons, the magistrates would have felt themselves in the possession of such a power as must have rendered them more confident, and, of course, less prudent and more unjust. Under the pretext of defending the entrances into the country, they would have multiplied their fortresses; and, at the same time, magistrates more covetous and more ambitious would not have failed to seduce the citizens into a forgetfulness of their military spirit, by pretending to favor their passion for repose, and the pursuits of agriculture.

What

What would have become of these little cantons, where, under the protection of sound and serviceable morals, the most free and the most intire démocracy still prevails? As in those ages which reflected the highest honor upon humanity, would the citizens have still continued to assemble under some old oak, some ancient fir-tree, there to deliberate, with all sincerity of heart, upon the subject of the public welfare? Long is it since those cantons, where democracy is, at this æra, attempered by the laws and customs of a judicious aristocracy, have paid obedience to aristocratics: that is, to tyrants. Even Berne, of which the aristocracy has none of the defects that appertain, in some degree, to this kind of government, would not have failed, by enslaving its own citizens, to draw down to ruin the Helvetic confederation. The ambition and avarice of this republic would have sought only for means to prostitute its powers. Even Berne would have enslaved its allies; allies whose
rights

rights and connections, at this period, it so religiously respects *.

You, doubtless, will suggest to me, that all your republics have, on the borders of the sea, and at the mouths of the great rivers, towns and ports which it is necessary to keep fortified. I well know that, if you desire to remain your own masters, it is a point of great consequence that you should defend the entrance of your harbors by standing fortresses and garrisons. I even conceive that within your inland towns it will prove indispensably requisite to erect some towers of defence against the probable

* It is, perhaps, needless to inform the historical reader that the canton of Berne had opened for itself an admission into America, under the auspices of the English, and obtained from the late king, in the year 1734, the liberty of founding a city in Carolina; but this colony (to which the miserable adventurers were allured by the prospect of high advantages) became the grave of those Switzerlanders who chose it for their settlement. They all died of want. Had they lived, succeeded and flourished, Abbé de Mably *might, probably*, at this day, have observed one of his favorite constitutions, pouring down the sources of public happiness upon his favorite friends! K.

inva-

invasions of the savages. Keep, therefore, as a constant part of your military establishment, fortresses and garrisons; because your provinces are not naturally guarded, like Switzerland; but, do not suffer these places of security to remain under the discretionary power of the magistrates of the country in which they are constructed. This power they, certainly, would abuse; nor can I think, without dread, upon the consequences.

I could, therefore, wish that all these military powers were confided to the direction, and subject to the orders of the continental Congress. This body alone, pursuant to the form of your confederation, being invested with the privilege and right of treating with all foreign states, should, also, enjoy the power of signifying their commands to the troops destined to bear arms against them. These garrisons (to whom it should

be forbidden to intermeddle, in the least, with civil matters, and who ought not to receive any orders or instructions, except from Congress) will never become an arm within the hands of magistrates; and thus, likewise, the civil power, having only, for its recourse, the means of gentleness and conciliation to calm the sometimes-agitated spirit of the citizens, will fall under the necessity of acting from a system of politics conformable to its situation. The citizens, for *their* part, having nothing to fear, will grow, at length, habituated to an obedient reverence for the laws; a reverence not arising from fear, but from affection. Hence would originate a general security. The rich, *perhaps*, would cease to make an ill use of their affluence; or, at least, they would proceed to this perversion with less precipitancy, and less vain-glorious parade. The people armed, as in Switzerland, and become, in the strictest sense of the expression,

sion, the power and strength of the state, would render themselves respected even in the very midst of their submission and their poverty. I should conceive that not one of your republics can have any thing to apprehend from the proposition which I am now making. Is it possible to suppose that the continental Congress could, at any future moment, abuse those powers which I am desirous of placing within their hands, and proceed to the usurpation of an authority which *must* prove fatal to the liberty of the United States? Is not this respectable body to consist of members who shall have passed through the different employments in their republics; who shall have contracted their morals, their manners and their customs; and, who, shortly, must re-enter within the class of simple citizens? Even granting that they could venture upon the madness of engaging in a conspiracy, of what service would their fortresses, their citadels and
their

their garrisons prove against the militia of your thirteen united republics * ?.

Passy, August 13th, 1783.

* We apprehend (but, with submission to the political superiority of his judgment) that Abbé de Mably displays an inclination to invest the Congress with too large a share of power. Even when resident in the highest bodies, whether amidst republics, or under monarchies, a barrier should be fixed, beyond the scite of which it *never* ought to pass. Granting (and such lunatics are upon record !) that the Congress, *thus* more approximated to the omnipotence of a parliament, *should* become infected with *the madness of engaging in a conspiracy* against the rights and liberties of the people, the price of bringing them to their senses (by the militia of thirteen republics opposed in battle to *their* garrisons and armies !) is, probably, the horrible effusion of rivers of human blood ! Better were it to avoid the risk. The general infirmities and vices of human nature can scarcely bring within the bounds of credibility the position that *not a single* member of a numerous national assembly would feel his patriotism give way to the seduction of *any* criminal ambition which might, *with ease*, be gratified. The remark is not totally unjustifiable, because, in this, and subsequent parts of the work, Abbé de Mably appears prodigal in his recommendations of an increase for the authority of the continental Congress. K.

LETTER

L E T T E R I V .

Concerning the Dangers to which the American Confederation stands exposed, the Circumstances which will give rise to Troubles and Divisions; and the Necessity of augmenting the Power of the Continental Congress.

ALL Europe, after having dreaded lest you should have proved unable effectually to resist the hostile power of Great Britain, is, *now*, enchanted with the constancy and courage which never have deserted you, and with the fortunate success that crowns your struggles. The preliminaries of peace, confirming the independence of America, are already signed; and, in the moment whilst I have the honor of writing to you, we find ourselves at the eve of their ratification by a
solemn

solemn treaty. The different nations, perceiving that a new branch of commerce is thrown open to their industry, attend only to the prospect of enriching themselves with the spoils and treasures of the English. Daily do I meet those monied politicians who envy not your liberty, but the affluence which is preparing to stream down upon you, from the four quarters of the globe. Already do they observe the ocean covered with your vessels; and, considering gold not only as the sinew of war and peace, but as the great object of the deepest politics, they do not fail to prophecy that you will reach the summit of felicity.

For my own part, I confess that this prodigious instance of good fortune makes me tremble for the fate which, probably, attends you. Nor can you be surprised at the acknowledgment, after the three letters which I have had the honor of writing to you. I cannot avoid coinciding with the
 opinion

opinion of Plato, who, in order to secure the welfare of a republic, recommended that it *should not* establish itself either near the sea, or upon the borders of any large river. Such a situation (he observes) would expose it to the dangers of commerce. Foreigners, not failing to bring thither their superfluities, would accustom it to experience new wants and inclinations. Soon, the citizens, allured by novelties with which they can dispense no longer, and driven by force and by passions to which, at all preceding periods, they were entirely strangers, will conceive that they bestow great favors upon their country, when not waiting for the arrival of foreign vessels with their varieties of merchandize. In *their* turn, will they endeavour to cover, with their own barks and ships, the rivers and the seas: they will encourage all the arts and manufactures: but, rest assured that each of these bales of goods, whether imported or exported, will prove, to the republic, the actual box of Pandora.

To

To flight this doctrine, which we may stile uncivilized and, probably, ridiculous, in order to conceal even from ourselves our own folly, were to bring the United States of America into a predicament which might expose them to a train of fatal consequences. Doubtless, Plato would have concluded that your republics could not expect prosperity of any long duration, even if, at *this* period, they were to make amends for every neglect of which your legislators have been guilty, and concerning which I took the liberty of introducing some remarks in my preceding letters:

“ By firmly fixing the government upon a more regular basis; and, by preparing and disposing the laws with so fortunate an address that they may mutually support each other, and prove endeared to all the citizens, you will stop” (would this philosopher observe) “ you will suspend your misfortunes; but, you cannot prevent them; and must,
at

at length, become the victims and the dupes of the temptations which surround you."

This Plato was remarkable for the intractability of his disposition. He had calculated the force of human reason, and the power of the passions; he understood the generation of our vices, and knew the fatal chain which links them to each other. Perhaps, he would have had the audacity to tell you that the savages who rove around your frontiers are less removed from the principles of wholesome civilization than the people who cultivate commerce and cherish riches. "The savages" (he would add) "do not reason, by rule and method, concerning the rights of humanity; yet, all the principles of it are deeply graven upon their vigorously-perceptive minds* ; and, far from
startling

* At the mention of savages, upon whose vigorously-perceptive minds the principles of humanity are deeply engraven, I should be led to plead in favor of the abolition of the slave-trade ;

startling at any virtue, the explanation of the utility of which they shall have been taught intirely to understand, they will become attached to it from sentiment, whilst nations, pluming themselves much more upon the powers of their intellectual faculties, give way to instinct, which draws them

trade, a trade in which these *savages* (a name too often more merited by Europeans, and *civilized countries*!) are the objects, or, rather, the miserable victims, of sale and purchase: but, Mr. Day, whose highly-cultivated understanding is accompanied, in its brilliant progress, by the *best* feelings of the heart, has spared me the attempt, and gone *extremely far* beyond my *feeble* powers of argument, when asking the colonist (once our fellow-subject) "*with what face can he who has never respected the rights of nature in another, pretend to claim them in his own favor? How dare the inhabitants of the southern colonies speak of privileges and justice? Is money of so much more importance than life? Or, have the Americans shared the dispensing power of St. Peter's successors, to excuse their own observance of those rules which they impose on others? If there be an object truly ridiculous in nature, it is an American patriot, signing resolutions of independency with the one hand, and with the other brandishing a whip over his affrighted slaves.*"

If the reader has not *properly* made up his mind, after the perusal of this argumentative and glowing passage, let him read Mr. Ramsay's truly liberal, pious and conclusive "Essay on the Treatment and Conversion of African Slaves in the British Sugar Colonies."

on

on to evil; and, at length they find reasons wherewith to justify, or, rather, to applaud their conduct.

With your permission, we will, now, enter upon a philosophy much less austere and more proportioned to the present manners. Let me place before you the sentiments of Dr. Brown, concerning commerce.

This writer observes that *“from a candid view of its nature and effects, we shall, probably, find that, in its first and middle stages, it is beneficent; in its last, dangerous and fatal.”*

“If we view commerce in its first stages, we shall see that it supplies mutual necessities; prevents mutual wants; extends mutual knowledge; eradicates mutual prejudices; and spreads mutual humanity.”

“If

“ If we view it in its middle and more advanced period, we shall see, it provides conveniences ; increaseth numbers ; coins money ; gives birth to arts and science ; creates equal laws ; diffuses general plenty and general happiness.”

“ If we view it in its third and highest stage, we shall see it change its nature and effects. It brings in superfluity and vast wealth ; begets avarice ; gross luxury : or effeminate refinement among the higher ranks, together with general loss of principle.”

“ Industry, in its first stages, is frugal ; not ungenerous : its end being that of self-preservation and moderate enjoyment, its little superfluities are often employed in acts of generosity and beneficence. But, the daily increase of wealth, by industry, naturally increases the love of wealth. The passion for money being founded, not in sense, but, in imagination, admits of no satiety, like those
“ which

“ *which are called the natural passions. Thus,*
 “ *the habit of saving money, beyond every*
 “ *other habit, gathers strength by continued*
 “ *gratification. The attention of the whole*
 “ *man is immediately turned upon it; and eve-*
 “ *ry other pursuit beld light when compared*
 “ *with the increase of wealth. Hence the na-*
 “ *tural character of the trader, when his*
 “ *final prospect is the acquisition of wealth, is*
 “ *that of industry and avarice.*”

“ *What is true, in this respect of trading*
 “ *men is true of trading nations. If their*
 “ *commerce be that of æconomy in the ex-*
 “ *treme; if the last object of their pursuit be*
 “ *wealth for its own sake; if the leaders of*
 “ *such a people be commercial, the character*
 “ *of that people, and its leaders, will be found*
 “ *in industry and avarice. Commerce searches*
 “ *every shore and climate for its supplies*.*”†

To

* Estimates of the Manners and Principles of the Times. . .
 Third edition, page 157, &c.

† Thus far, the extracts from Doctor Brown: nor shall we
 quit

To an authority of *such* a weight, I could add the sanction of Cantillon, whose abilities were at once discerning and extensive. He had himself deeply engaged in commerce; exploring and turning to his advan-

quit them without adding (for, even at *this* period, the passage much concerns ourselves; and, perhaps, ought not to prove a matter of indifference to the Americans) that the same author having asked "whether the lessening this exorbitant trade and wealth would bring back manners and principles, and restore the nation's strength?" first answers that he "very much questions the event:" and then subjoins:

"But, whatever the consequences might be at *home*, those *abroad* would certainly be fatal. *The French are every day gaining ground upon us in commerce; and, if our's should lessen, their's would INCREASE TO OUR DESTRUCTION!*"

"Thus are we fallen into a kind of dilemma: if our commerce be maintained or increased, its effects bid fair to destroy us: *if commerce be discouraged and lessened, the growing power of our enemy threatens the same consequence.*"

"There seems, then, no other expedient than this: *that commerce and wealth be not discouraged in their growth; but checked and controuled in their effects.*

"And even in attempting this, care must be had, lest in controuling the effects of commerce, we should destroy commerce itself."

tage

tage the several springs which give it life and action; springs, the motions of which, traders, bankers, brokers and speculators, all, watch and follow up with unremitting assiduity. Thus, it becomes evident that money is the soul of all their operations; that, though inhabiting a land, they are not of any country; and that their covetousness infects the whole number of their fellow-citizens, who, perpetually experiencing fresh wants, can never raise sufficient sums to gratify them all. Next, considering commerce, as a statesman, he clearly proves that it neither does nor can impart to any people more than a momentary and transient power *. This opulence, on which
it

* Although it *may*, in some degree, prove foreign to the subject, it does not seem absolutely improper to introduce an observation, intitled to the notice of the reader, and which appears to have escaped the attention of *most* writers, Professor Smith † (a politician of equal depth and judgment, to whom

† See "An Inquiry into the Nature and Causes of the Wealth of Nations."

society

it plumes itself so much, is soon dispersed and vanishes; because the expence of a rich commerce being increased, the traders abandon their own merchandizes to hunt after the manufactures of an impoverished people, amongst whom the price of workmanship is cheap. Then, do they accuse administration either of folly or of negligence, because commerce is destroyed, and money becomes scarce; as if it were in *their* power to change the nature and the face of things.

Yet (Cantillon remarks that) amidst the enjoyment of opulence, they grow intoxi-

society owes *many* obligations) and Mr. Hume excepted: Mr. Hume, who, mingling *poisons* with his *wholesome* works, has execrably dared to cancel all the favors which he might, otherwise, have conferred upon his fellow-creatures.

“Commerce and manufactures gradually introduce order and good government; and, with them, the *liberty and security* of individuals, among the inhabitants of the country, who had before lived almost in a continual state of war with their neighbors, and of *servile dependency upon their superiors*. This (though it has been the least observed) is *by far the most important of all their effects*,” K.

cated

cated with prosperity; they entertain chimerical ideas of its power; they despise their neighbors because they are less rich than themselves; and they think that they enjoy a right to exercise over them a kind of dominion, or, at least, to treat them cavalierly. Whether it proceed from ambition, or ignorance, or vanity (qualities which wonderfully associate) they concert, even imperceptibly to themselves, enterprises beyond their powers. Hence arise loans, and all those admirable kinds of dexterity and address, in consequence of which they obtain for themselves a very great credit. But, as mankind are never sufficiently wise to correct themselves by experience, banks are introduced, in order that paper may supply the place of *that* money which they do not actually possess; and this circumstance will shortly lead them to maintain that credit is the source of the power of the state. Vain expedient! The imaginary riches of the bank disappear; and, at length,

endeavors are used to re-animate commerce by the assistance of the sword, without perceiving that war will swallow up more riches than the most flourishing trade can possibly procure. Here, I stop; not doubting but that the work of Cantillon has passed over to America.

If what I have written, when giving extracts from Doctor Brown, and stating the opinion of Cantillon, can be admitted as unquestionable truths; truths demonstrated a thousand times by facts, how is it possible that I should avoid being alarmed on account of that fate which, probably, will attend the United States of America? Must I not feel uneasiness whilst I perceive that their topographical situation invites, solicits and earnestly presses them to give a loose to commerce. Your cities are filled with individuals who, previous to your revolution, had adopted all the ideas of the English concerning the trade, the riches and the prosperity

perity of states, and who remain still undeceived, although they find, at length, that England is poor, even in the midst of all her so-much-envied opulence; opulence which (as your war indubitably proves) has only filled her with the temerity of confidence and the delusion of hope.

What measures have your legislators taken to set limits to commerce, and establish that fortunate mediocrity which, according to the opinion of Dr. Brown, may still associate itself with some virtues? I am aware that all their laws would have opposed too weak a barrier against the progress of the passions, had these last discovered the slightest prospect of succeeding; but, at least, I should have observed, with pleasure, a recurrence to the fundamental principles of a sound polity; and these regulations would have retarded the career of those vices of which (with Plato) I dread the influence.

But,

But, far from this, the republic of Massachusetts (a pattern for the imitation of other states) directs that "*it shall be the duty of legislatures and magistrates to encourage private societies and public institutions ; rewards and immunities for the promotion of agriculture, arts, sciences, commerce, trades and manufactures **." Doubtless, it was ima-

* The reader, who feels a proper veneration for public and for private virtue, will not disdain to look again with pleasure upon the whole of this enlightened clause, however frequently it may have proved the favorite object of his attention. K.

"Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties ; and as these depend on spreading the opportunities and advantages of education, in the various parts of the country, and among the different orders of the people, it shall be the duty of the legislatures and magistrates, in all future periods of this commonwealth, to cherish the interest of literature and the sciences and all seminaries of them ; especially the university (at Cambridge) public schools and grammar schools in the towns ; to encourage private societies and public institutions, rewards and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures and a natural history of the country ; to countenance and inculcate the principles of humanity and general benevolence, public

imagined, upon the principle of Doctor Brown, that a moderate commerce produces *some* advantages to society ; and, therefore, without attending to the rest of his doctrine, the conclusions drawn from hence were, that a greater commerce would produce still greater benefits : but, on the contrary, it ought to have been foreseen (as Plato tells us) that this moderate commerce, awakening unconquerable passions, engendered a multitude of vices more powerful than polity and the laws.

Whilst I pursue the method recommended by Doctor Brown, for whom I have conceived the highest veneration, you must allow me to follow, step by step, the progress, or, rather, the development of those misfortunes which will, I greatly fear, de-

“ public and private charity, industry and frugality, honesty
 “ and punctuality in their dealings ; sincerity, good humour,
 “ and all social affections and generous sentiments among the
 “ people”. Constitution of Massachusetts ; chap. 5. sect. 2.

scend,

scend, hereafter, on the United States of America. So long as your principal cities confine their pursuits within the extension and the multiplication of their connexions and of their industry, the republic will appear flourishing and quiet, because the citizens, beginning to experience, as the result of their commercial labors, a kind of avocation from their preceding and almost exclusive vigilant attention to the public welfare, will not possess that zeal, that love, those anxious wishes for the advancement of the happiness of the community which, together, constitute a great virtue: a virtue which, notwithstanding, generally, excites a strong spirit of disunion; and, sometimes, gives birth to jealousies, and that species of party-rage which minds too pusillanimous almost continually mistake for the commencement of troubles and of seditions; and which, in fact, is but the fermentation proper to inspire the human breast with elevated feelings; which powers equal to great
 exer-

exertions; with constancy and courage. The farmers, on *their* parts, will, for a time, feel no consequences accruing from commerce, except its benefits; and the productions of the earth will sell for an advanced price. Encouraged by the fruits of their labors, the husbandmen will cultivate the waste lands. Population must increase, because the younger branches of the family, providing for themselves, will ease their parents of expence; whilst, at the same time, manufactures will start up, on every side, and prove equally beneficial to the progress of commerce and to the advancement of agriculture.

This picture as yet presents not any images to alarm those persons who are intirely unaccustomed to the formation of conjectures respecting the occurrences of the future. Hitherto, we only discover a people in the enjoyment of greater portions of plenty, and cultivating, with ardor, the most
useful

useful arts. But, let us examine, I beseech you, the vices just gathering; vices as yet feeble, and lurking underneath the cover of these fallacious appearances. In *my* opinion, the spirit of commerce *must* become, within a little space of time, the general and predominant spirit of the inhabitants of your cities. Not absolutely to devote themselves to its influence, were to betray a passion for self-improvement; an inclination to become humiliated below the traders, whose fortune will increase from day to day. I can, without difficulty, conceive that these new men of opulence will, at the outset, feel only that bloated and absurd vanity with which their riches may have swelled them. Not considering with disdain those citizens who may have proved more unfortunate than themselves, they will only feel less proud upon the fancied superiority of their commercial talents. Even a most ridiculous presumption will not hinder them from continuing, for a length

length of time, to deserve the character of a tolerably-well-behaved kind of people. But, in the second, or, at the latest, in the third generation, can you suppose that *their* descendants, born in the very midst of affluence, will not yield to the dominion of those passions which are its natural and inevitable offsprings. With what eyes, therefore, will they look upon that equality which your laws have endeavoured to establish amongst the citizens? They will not deign to comprehend those unalienable privileges and rights of sovereignty which you attribute to the people. By what means can riches, which have proved, amongst all nations, whether ancient or modern, the source and principle of that nobility which renders them so vain, become prevented from introducing, amongst the Americans, a division of families, under different classes? How is it possible that these riches, which establish the most actual and sensible distinctions amongst mankind, should suffer,

in your United States, the poor to enjoy the same advantages which enter into the participations of the opulent? Your government must, therefore, of necessity, be driven from its form. Thus is it, that, foreseeing the revolution which appears to threaten you

(*"Urgent fata"*)

I have preferred the legislation of Massachusetts to all the rest, as fixing stricter limits to democracy, and preparing the inevitable passage of the republic to aristocracy, without exposing it to those violent and convulsive motions which Pennsylvania will, probably, experience, and which (if we can depend upon appearances) will dash her down beneath the yoke either of oligarchy, or of one single master.

I now return to the inhabitants of the country; and shall conclude that occupied, at first, with their crops, their harvests, and
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the cultivation of their waste lands, they will rest tolerably satisfied with their situation; and, should they sell the produce of their farms at high rates, think little concerning the occurrences which may arise within the cities. But, in human affairs, all circumstances have their termination; and when these individuals, subsequently to their slight neglect of the public business and welfare, shall begin to reap, from their possessions, the best incomes which they are capable of producing, can you flatter yourself that, vain of their leisure, their numbers and their ease, they will not turn their thoughts to liberty? Can we suppose them capable of regarding with indifference the ostentation of the cities, and the pretensions of their chief inhabitants? They did not harbour an idea of making sacrifices to ambition; nor even call to mind that they were free; because, they relied upon the nature of that equality which was established by the laws. But, is it possible that
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these men, from the moment that they shall have discovered the pride and arrogance of the rich, or found a cause to fear their inclinations to wrest into their own possession all the public power, will not avail themselves of their force (a force of which the circumstance of having been so long habituated to the use and exercise of arms must render them extremely sensible) and refuse to pass patiently beneath the yoke, and sink into the subjects of an aristocracy? The Roman republic was lost from the moment that the laws began to clash, and strike in opposition to each other. Thus, also, to *yourselves*, in *such* a case, a Gracchus only will be wanting, or (to speak in plainer terms) either some artful, able and ambitious character, or some animated and inflaming orator, who will intice the citizens to rise the one against the other, and throw them into anarchy; from which, too frequently, it happens that they are not
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emancipated but to experience the rigors of a state of despotism.

This is the catastrophe of which I stand in dread. In vain will you have framed laws unless they should receive support from pure and salutary morals. To no purpose will you recommend the practice of some virtues, should you remain destitute of the successful art of giving them protection, by coming forward, even previous to the attack, in order boldly to resist the wiles, the force, and sudden, unexpected impulse of the passions. This truth assails the mind with horror : it is by so much the more terrible, because, perhaps, the vices, the prejudices and the opinions of Europe have, already, made so great a progress throughout America, as to deprive her citizens of the hopes of riveting their liberties upon immovable and deep foundations. Wherefore do we not perceive, amidst your several republics, a number of citizens, resembling that ex-
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alted hero, to whom you are so much indebted? Wise as Fabius, when it became necessary to temporise, and enterprising as Marius, when the circumstances of the moment demanded action, he might have thrust himself into the situation of a Cromwell; but, animated alone by that glory which constitutes the truly great man, he divested himself of his authority in the very moment that you ceased to have occasion of his sword for your defence, and retired, a private character, to his estate, still exhibiting, for your admiration, in his own conduct, all the ancient virtues of the republic of Rome.

Though various circumstances may not permit you effectually to guard against the evils and misfortunes of which I am in fear, you are not less obliged to seize upon the fittest measures to retard their course, and to prepare, at least, a tranquil, and, in fact, insensible revolution. Probity points out this as a law to every well-disposed and patriotic

triotic citizen. Should obstacles, insurmountable in their nature, defeat *all* efforts to obtain the end to which a wise political arrangement had proposed to lead, still it is a duty to attempt an entrance within the road which could have guided to the accomplishment of this important point. Is it no considerable advantage to slacken the career of our passions, the too rapid progress of our vices; to protect the virtues; to encourage and to embolden them through all their operations; and to prolong, for *some* time, the tranquility of the republic? Sir! I conjure *you*; and, for *their* honor, for *their* glory, I beseech all the citizens who, in consequence of their genius and their talents, are destined, amidst the views of Providence, to impart the benefits of their reason and their highly-cultivated experience to that multitude who desire good, but are liable, perpetually, to search after it in situations where it is not possible to find it: I implore *them* to reflect that, at this moment, they hold,

hold, within their hands, the fate of all their posterity. Should they suffer the favorable crisis to escape, in which the minds of individuals still glow with that force, that intrepidity, that joy arising from the possession of recently-acquired freedom, of freedom purchased at the price of many toils, perhaps, the times for an attempt to introduce reforms may prove all irrecoverably lost. Consider it as an indubitable truth, that the spirited ardor of the human breast, becoming cold and languid amidst the calms of peace, will lose its powers of engaging in a great and generous effort. If, at this æra, the prejudices of the English are obstacles to the establishment of your government upon the best principles, the habitudes which you are on the point of contracting will render these prejudices more dear to you, from day to day; and (as I, before, observed) the time for drawing back; for recurring to your first principles, will have elapsed.

I know.

I know that persons of enlightened understandings, meeting, on every side, with insurmountable impediments against the acquisition of that public welfare, which is the great object of their desires, become too much discouraged to prosecute their enterprises; and often sink under the wretched predicament which tempts them to yield, without resistance, to the torrent of those occurrences that *must* decide upon the fate of laws and morals. In fact, no consideration is more melancholy and alarming to citizens of superior intellects than that which fills them with an idea that they cannot extend their operations beyond the first outlines: the mere sketches of the design. What they are permitted to execute appears unworthy of their talents and their virtues; they keep aloof from the administration of public affairs; and, because they are under apprehensions of being accused as the causes of those public evils which they were not suffered to prevent, they betray their duty,

and the interests of their country. In the annals of antiquity, we read of several exalted characters who, from principles of sagacity, submitting to the power of those conjunctures which human wisdom cannot change, have had only their choice of faults; but, equitable history has done justice to their intentions, and, amidst the measures (*apparently* imprudent) which they have taken, has traced out the whole of that discernment and those abilities which they, certainly, would have displayed with more brilliancy, could they have acted under circumstances of less discouragement and misfortune. You have, amongst you, several citizens, equally distinguished by their integrity and their talents. I have enjoyed the honor of being acquainted with many individuals of this description; and, in the number I place those colleagues who were allotted to you by the Congress, and, with whom you have so happily completed the attainment of your independence. What-
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ever destiny shall attend America, *you*, Sir! may rest assured that posterity will do justice to *your* labors and to *theirs*, when perceiving that you embraced all possible means to check the passions; to resist them at their first dawnings; or, at least, to raise a barrier against the progress of abuses. The descendants of the Americans will not reproach *you* as the occasion of those misfortunes which may induce them to complain. They will apply to *you* what Horace has observed concerning Regulus:

“ Hoc caverat mens provida Reguli,”

“ and we should have esteemed ourselves
 “ happy, had your successors in the administration of affairs, manifesting the same
 “ forethought, the same provident disposition, and the same inflexible resolution,
 “ continued to direct and lead us by the
 “ same principles.”

Should

Should you adopt measures in order to prevent commerce from multiplying your wants; should you endeavour to resist and stop the progress of luxury; should your laws maintain a prudent distrust of women, by whom corruption is introduced through all republics whatsoever; should you cast fetters upon the ambition of the opulent, who, naturally, are inclined to think that every article of enjoyment belongs to them, because they possess riches which can secure to them a general obedience; in a word, should you attempt to establish, amongst all the citizens, and amongst all the branches of the government, an equilibrium of that nature which must afford an ample reason to conclude that you have made all efforts within your power to fix, in permanent solidity, your freedom upon the basis of the laws, *then*, fear not lest posterity ascribe to *you* the evils and the calamities with which America may one day prove afflicted. Your descendants will accuse only those unfortunate

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nate occurrences within the very midst of which you introduced your constitutions. " *Our earliest legislators*" (enlightened citizens would observe) " *prevented from acting like Lycurgus, have imitated Solon: they have not given to us the most perfect laws, but, such of which we were susceptible; and our vices alone (vices which they had not the power to correct) at this moment, drive us headlong to destruction.*"

Be this as it may; from the moment that your republics shall have become opulent, in consequence of a flourishing and far-extended commerce, not even one single doubt, that your citizens will grow naturalised to the genius, pursuits and characters of trading bodies, can possibly remain. It is the most sordid self-interest which must predominate in banks and compting houses where the custom prevails of estimating the value of every article solely according to its weight in gold. Of ancient date, but, still
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generally acknowledged, is the remark that the strict followers of commerce have no country, and that they would sell it, together with their liberty, to the first bidder. Observe the degraded, sinking situation of the United Provinces of the Low-Countries. *Their* constitution is now no more than the empty shadow of a republic: a republic which, although formed under the succors of a war lasting throughout the course of forty-eight years, and taking a part, until the peace of Utrecht, in all the great affairs of Europe, has proved incapable of maintaining, totally unsullied and secure, its love of freedom and its intrepidity, during the calm continuance of a peace of thirty years, which had extended the relations of its commerce, and increased its riches. At no subsequent period whatsoever, has it reassumed a single spark of that genius which originated from John De Witt; and a revolution, of all others the most astonishing amidst a free people, was effected in a manner the most simple,

simple, and proved the work but of a single moment.

I cannot conceal my apprehensions lest a fate more melancholy and alarming should alight upon the Americans; nor am I able to dispel my fears that they, hereafter, may be driven into a revolution more pitiable and severe than that experienced by the Hollanders; nor arrive at it but by a road more difficult and laborious. From the moment that the burgeses of your towns, corrupted by the acquisition of their riches, shall begin to regard only with contempt the inhabitants of the country, and the artificans, must it not follow, as an indubitable truth, that the endeavors of your laws to introduce and to establish the most perfect equality, in the republics, were all in vain? These favorites of fortune will aspire to the formation of families of a superior order. Should they prove sufficiently temporising and sufficiently masters of themselves to hu-

mour the passions; to avoid treating prejudices in too cavalier a stile, and proceeding with a rapid carelessness, let me then ask you what must be the result of a revolution, effected without an effort, without a shock, without commotion, and because only the weak became the dupes of knaves? After having founded the temper, and tried the patience of the people, will the ambition of the rich remain contented with the enjoyment of a secret and clandestine power? Ambition will suppose itself inefficacious, when under the compulsion of either lurking in concealment, or disguising the lengths to which it has the ability of proceeding. In a word, ambition is not like avarice, which, sometimes, buries its treasures, and takes a pleasure in assuming a face and air of poverty. Ambition, at the outset, will not commit an evil; but, aims at the acquisition of the power to engage in it; and, soon afterwards, the perpetration follows. Remorseless, in the extreme, as being insatiable, is
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the empire of avarice: and, all the fortune of the state will shortly belong to men corrupted by their own.

But, should the revolution not operate by slow and deceitful means; and, on the contrary, should the rich affect openly, or, with but little management and address, to reach at the ascendancy, it must follow, as a certainty, that the citizens, whom they might endeavour to treat as subjects, would recoil from such injurious usage; would gather intrepidity from indignation; and, by force defend the invaded laws, and the unalienable authority of the people. Accustomed to regard the magistrates as their agents, they will treat them in their anger as if they were no better than their insolent and faithless lacqueys. If, during these kinds of contest, democracy should become triumphant, we may, without difficulty, discover what anarchy must follow, as a natural and inevitable consequence. What laws will then
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continue in respect? What form will then become imparted to the government? As at Florence, will some Medici arise and seize upon the sovereignty of his country? It is impossible to prevent this, because, whilst only one method of doing good exists, a thousand means are open for the perpetration of what is wrong. On the contrary, should *aristocracy* erect itself upon the ruins of liberty, it will, of necessity, prevent its authority to unbecoming uses. The more the people discover courage, the more *it* will become suspicious and unrelenting from timidity. Perhaps, it may degenerate into an oligarchy; and triumphs will soon contend for the glory of reducing it to submission, under the pretext of taking vengeance for the people.

My friends, in raillery, have, sometimes, called me the prophet of misfortune; and it is true that I am much too well acquainted with mankind to entertain a sanguine
hope

hope that their pursuits will lead to good. But, in the present case, I cannot think that my remarks have bordered on exaggeration. Perceiving an irregular legislation, is it possible to prove too violently alarmed, when the records of history must have convinced us that even the slightest negligence of a legislator has often been sufficient to produce the height of tumult and disorder? It is not enough to have predicted the revolutions of the United States of America : the worst consideration arises from the certainty that they will not take place without troubles, without violence, and without convulsions, as in the United Provinces of the Low Countries, concerning which I have already had the honor to give you my opinion.

I beg the favor of you to remark that this republic, by throwing off the yoke of Spain, as *you* have emancipated yourselves from that of England, accustomed itself without difficulty, to pay obedience to a Stadtholder,

or

or rather to a magistrate, of whom the almost regal authority preserved and linked within themselves all parts, however awkwardly united, of the confederation. The virtues and the talents of the first princes of Orange administered, during a length of time, a supply to whatsoever might have been wanting for the springs of government; and exclusive of this consideration, a dread of the house of Austria (as *Grotius* remarks) engaged the new republicans in cares of such extreme importance that the ill effects of their commercial spirit were much suspended. The peace of Westphalia and great opulence wrought a change in the disposition of the Hollanders, and introduced a species of disquietude. They set the Stadtholdership at nought; they concluded that they should stand no more in need of it; they proscribed it, because they ceased to look with apprehension upon Spain; and the republic would have been sacrificed, from that moment, to the most cruel divisions, if Louis
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the fourteenth had not filled it with the greatest terror. The different parties began to coalesce; the De Wits perished; the young William the third was proclaimed the Stadtholder; and Holland, full of resentment against France, and governed by the ablest politician in Europe, found herself too much a party concerned in all the greatest wars not to reassume, in some degree, that spirit which had marked the dawn of her existence.

In fact, after the death of William, the United Provinces, who had again put down the Stadtholdership, acted the most important part, during the war of the Spanish succession. The troops, before too negligent, had summoned up their ancient discipline and courage. But, the peace of Utrecht proved not less fatal than the peace of Westphalia. Magistrates, commercial, ambitious, yet thirsting after pecuniary gain, forgot their glory, and totally resigned themselves
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to all the cares of trade. Europe, in every quarter, grew tired of a war by which its vigor was exhausted, and, amidst the calm of peace, the United Provinces sunk into that character of which it was their destiny to receive the full impression. They degenerated; yet, were insensible of the fall. The nobles imagined that their dignity was interwoven with the Stadtholdership, and saw, with deep vexation, that some families of citizens, more rich, and more dexterously-designing than the rest, had gained possession, within their provinces, of the public power. The other citizens, perceiving themselves degraded, could no longer aspire to the magistracy, and, therefore, sought for revenge, and wished ardently for a revolution. The people, deprived of their suffrages, were considered as insignificant, and waited only for a signal from the malcontents to break forth into the violence of insurrection. Complaints, murmurs, and even hatred became augmented, from day to day,

day; and the Austrian war of the succession arrived, at length, to the assistance of the United Provinces. Magistrates, who had prostituted, to abandoned purposes, their power, during a state of peace, were unable to avail themselves of its advantages, amidst the violent crisis in which they found themselves unfortunately situated. All were clamorously impatient for a Statdtholder; and in a moment, he was proclaimed. The dignity was made hereditary, from an idea that the republic could not dispense with it. This power, superior to that of all the parties which had been drawn together, extinguished animosities, brought in new principles and springs of interests, and obliged the Hollanders to turn their thoughts exclusively to commerce.

Let me intreat the United States of America to recollect that, being menaced by the same divisions and the same disorders, they will not have the power of applying to the
same

same resource. Not that I mean to censure your republics for having failed to introduce, within their several constitutions, a magistracy similar to the Stadtholdership. Far distant from my ideas is such a circumstance; nor can I prove too warmly the encomium of that wise precaution with which you have set such limits to the power of your magistrates, as must prevent them from harbouring, even in idea, a design of turning it to any baneful use. In *this* respect, you may conclude yourselves exceedingly secure: but, more is wanting: and, most effectually must you guard against the dangers to which a spirit of commerce, together with a false prosperity, will incessantly expose you; dangers concerning which I have already made sufficient observations. You have felt too much, during the course of war, the great benefits of your union, to suffer a sudden obliteration of this sentiment. But, can you hope that it will *always* last? Each confederated province of
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the Low Countries was perpetually warned, by its imbecility and the moderate extension of its territories, how much it stood indebted to its state of union with all the rest. On the contrary, how many of your republics, when they shall have brought into full value the lands which they possess, will not experience a variety of causes to flatter themselves that they may subsist, apart from all the other states, and even form themselves into a most considerable power? *Then*, will they regard the benefit of union as a kind of servitude. Exclusive of all this, it is unnecessary to remind you that, dissimilar from the United Provinces of the Low Countries, you are not surrounded by neighbors who disturb you; against whom it is a duty to stand upon your guard; who suspend the activity of your passions; and even force you, in despite of yourselves, to concert measures for your security. Would to Heaven that Canada might again fill you with the same alarms which you experienced whilst it re-

remained under the dominion of the crown
 of France! But, it is likely that England,
 cured thoroughly, at length, of the vain
 hopes of reducing you to submission (hopes
 which she ought *never* to have entertained)
 will not sacrifice those advantages of which
 your trade presents her with a promise, to
 feelings (feelings which baffle all descrip-
 tion) of vengeance and of vanity; but,
 which, perhaps, are, *all*, extinguished. On
 the other side, the Spaniards possess too large
 and too unserviceable a tract of American
 lands to think of giving them an extent by
 conquest. Your other neighbors are savages;
 savages contented with their deserts, and not
 looking with an eye of envy upon your rich
 domains. And, therefore, is it that of your-
 selves alone you are to stand in fear. Should
 the United States too confidently lean on
 the security that springs from this particu-
 lar position, could I avoid dreading their
 exposure to those misfortunes, concerning
 which

which I have presented you with my remarks?

I may, perhaps, be told, that should any one of your provinces become troubled by dissensions, the neighboring states would interpose their mediation, and soon accomplish the re-establishment of calmness and of harmony. Vain hopes! Who does not know the power which the words *liberty* and *tyranny* can exercise over a people whose tempers are not moulded into a passive submission to a state of servitude? The people who may not, hitherto, have reflected upon their situation, who may not even have discovered any just causes for complaint, will, from this moment, entertain suspicions and feel inquietudes *chimerical*, if you chuse this epithet) but such as fear, hope, and a thousand other passions will render considerably too real. The fire of discord will extend its flames; and, unless you should discover within yourselves a remedy for this
evil,

evil, it must follow, beyond a doubt, that all the bonds of your confederation will drop to pieces.

This remedy your compatriots have now within their hands. The question is not whether you shall create new magistrates, or introduce within your constitution a Stadtholdership; but, only, whether you shall invest the continental Congress with an authority which may enable it to become as useful to you, during the peace which you are now preparing to enjoy, as it has proved throughout the war, of which the career has terminated by your full triumph over all your enemies. This august assembly has been the ring; the chain indissolubly rivetting the thirteen United States, of which it proved the soul; imparting to *all* one and the same spirit: one and the same interest. We may receive it as a self-evident proposition that, if each of your republics had acted upon the mere strength of its own
parti-

particular deliberations, no unity would have marked your enterprizes; your measures would have proved abortive; your divided powers would have betrayed your hopes, and, from a want of concert, in all likelihood, you must have fallen. To this council you stand indebted for your consequence, your glory and your freedom. You have perceived that all its resolutions were dictated by prudence, moderation, courage, justice and generosity. May this spirit constantly exist amongst you! But, it *will not* exist, unless you embrace the properest measures for securing to the Congress that consequence which it now enjoys, and for investing it, at the same time, with that authority of which it stands in need, in order, at once to cement your union, and to ward off the evils and calamities of which I have been treating: calamities and evils too natural to your constitutions. This is a truth of which no repetitions can prove too frequent.

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In preparation, therefore, for this important work, I could wish that each republic would consider, as an indispensable law, the propriety of delegating their powers in the continental Congress only to such citizens as may have been employed in the council to whom it had confided the executive power; citizens who, during their enjoyment of this trust, were distinguished by their probity and their talents. I could wish to find it a generally-received opinion, amongst the Americans, that the greatest honor to which a citizen could possibly aspire must be the station of a delegate in the council of their *Amphictions*. You well know how much this mode of thinking is calculated to excite a spirit of emulation amongst the citizens, and to inspire them with respectful confidence in an assembly which is much more needful to them than, at an earlier age, it proved to the republics of Greece,

Your

Your constitutions have decreed that these magistrates may be dismissed at any period of the year whatever: but, give me leave to ask you, what actually is the spirit of this law (too timid, too weak, and too distrustful) since, under the present circumstances, your magistracy is but annual, and, cannot, consequently, prove dangerous to the cause of freedom? Attend to this point with especial care; or you will throw open a door to the intrigues of those competitors who may not have been returned at your elections: you will expose yourselves to cabals which may disturb your peace. May I take the liberty to assure you, that no circumstance is more dangerous than this divestiture of the magistrate, which cuts up the reciprocity of confidence by the roots? But lately, the Swedes perceived themselves extremely ill situated; and that despotic manner of treating the senators has proved one of the principal causes which sank the credit of the senate, and enfeebled the springs of the
 Swedish

Swedish constitution *. I must add, that this law, of which I complain, almost occasions me to suspect, even against my inclination, that, perhaps, the intention of each of your republics is, at least, in some degree, ill suited to its real interests. Wherefore

* Sweden was, in one of the noblest senses of the word, a republic, being, at a *former period* (to borrow the language of a celebrated writer) a country where even a king proved but a senator in the council; and but a consul when with the army. The tyrants whom Gustavus drove away were a debauched (and, consequently, unfeeling) prince, together with a proud and barbarous priest. Christian, the second, of Denmark, and Troll, caused the whole senate to be massacred at an entertainment, and drenched all Sweden in blood. Gustavus, expelling the despot and the inquisitor, established civil and religious liberty; and, thus, founded the prosperity of a people in whose fate all other nations *ought* to have interested themselves, because they were brave without cruelty, and warlike without ambition. Such *was* Sweden, until (as in another place I have observed) a young and criminally-aspiring monarch effected a revolution in his kingdom, by measures as secretly and artfully concerted as they were rapidly executed. In one-moment, to renounce, with all the public solemnity of oaths, *every* claim to arbitrary power, and, nearly in the very next moment, to acquire the most absolute authority, is a master-stroke in politics (or, rather, an audacious refinement in the abandoned art of regal dissimulation) for which it would be difficult to name a precedent. To what future glorious excesses must the patriotism of this man be carried before he can atone for such an act of perfidy! It does not *yet* appear that he

fore (may I beg leave to ask you) do your republics wish at all times to have it in their power to dismiss the minister whom they may have deputed to Congress? I cannot guess the motive for this extraordinary procedure. For, it must seem extremely foolish that a state of the American confederation should fear lest its minister might either betray his country or desert its interests. Is it possible that the least disinclination could arise against conforming to the views of an assembly of which the first, or, rather, the only duty is *exclusively* to attend to the general interest of the nation? Such a conduct would betray a gross ignorance of the na-

he has made *much* progress towards an expiation. . Sweden, however, is in a state of quiet. . What quiet? *That* on which it is scarcely possible to reflect without breaking out into admiration at the fine excuse of the illustrious Polander * to the troubles which he had brought upon his country: "*Infinitely do I prefer a dangerous state of freedom to calm and passive slavery!*" And, at least equal, in sterling brilliancy, to this spirited idea, when taken in its *proper* sense, is the glowing exclamation of Rousseau: "Let tyrants act as they will, the man who knows *how* to die is *always* free"! . K.

* See *Histoire de Suède*:" or "*La voix libre du citoyen*."

ture of this august assembly, would tend to confound it with those congresses which sometimes assemble in Europe, in order to terminate the difference of several adverse powers, who do not aim at reconciliation but by deceiving each other as much as possible; and who only seek, by a patched-up peace, to husband for themselves some particular advantage against the breaking out of the next war. What, then, is the spirit of this law? Your enemies will remark that the United States of America have reserved to themselves *only from ambitious views* the right of arbitrarily recalling their ministers at the Congress. Should these deputies not prove sufficiently practised, subtle, fallacious and obstinately-persevering to secure a prevalence for their opinions, the republics chuse, at all periods, to enjoy the power of supplying their places by successes more experienced, more able to maintain an ascendancy over their colleagues, to give weight and full efficacy to their advice, and
to

to establish a preponderating power in an association which can only prove useful, or even exist within a state of perfect equality. False, shameful and fatal politics! They would lead to the idea of tracing out in America the same ambition which, formerly, destroyed the *Amphictionic* council. From the moment that corruption had made it the centre of intrigues and of cabals, Greece lost the ability to reunite her powers. Philip of Macedon governed within it, and all the Greeks were stripped of freedom.

Let the United States derive instruction and advantage from this important lesson! Let the first article in their commands to their delegates be to labour only at the conciliation of varying dispositions, and at the task of drawing into one great point the whole of their respective interests! Let them even order them to make sacrifices for the benefit of peace and concord! It is by this beneficent and liberal line of politics,
which

which all nations ought to adopt, that the allied people may, from time to time, render their alliance more binding and more serviceable. In a word, it is of importance to the particular welfare of each republic, that no inclination to govern in the Congress should ever struggle for the prevalence; but, on the contrary, that every point should manifest a zealous determination to submit to the views and resolutions of a body which embraces the general interests of the confederation. If my remarks are just, far from endeavoring to diminish the credit of the Congress, you ought to labour at the augmentation of its authority. Menaced with those troubles, divisions and disorders (to which I have before alluded) you cannot dispense with a supreme magistracy, the power and aid of which must either totally prevent or check their progress; nor is it possible for you to repose this supreme magistracy with more security than in a body consisting of the most respectable

spectable and praise-worthy citizens from every state.

This object is too important not to justify the continuance of my remarks. I must intreat the favor of you particularly to attend to the observation, that the Americans, having their professions, their rights, their fortunes and their manners, and, of course, their different modes of studying and following up their various interests, it is impossible but that the divers passions resulting from this mass of circumstances, *must* raise and introduce complaints and murmurs. The parties growing acrimonious, much altercation may arise ; and hence will follow fatal troubles, if, instead of being stopped, at the outset of their career, they should become permitted secretly to ferment, amidst the violence of cabals and of intrigues. What outlets, what drains (if I may venture on the expression) have you prepared for these humors, in order that their fermentation
may

may not occasion a mortal malady in the body of society? Should the citizens, who may imagine that they have just reason to complain, prove destitute of any legal means to gain a proper hearing, most certainly, they will not fail to set restrictions at defiance; and, with unbridled heat, rush forward to the last extremities. On this account, the most discerning politicians have much applauded the establishment of the tribunes under the Roman republic. The people, sure of meeting with protectors, confided to them the care of all their interests; and these popular magistrates were themselves under the necessity of keeping within a guarded line of conduct throughout the execution of their trust. For this purpose, did they adhere to rules and measures, which hindered them from proceeding with that ungovernable rashness from which the multitude are seldom free. The treatise of the laws, by Cicero, at once discovers the salutary nature of the establishment

ment of these magistrates. But, would it not prove dangerous to attempt to introduce an order of this kind amongst yourselves? *Yours* are not the manners of the earlier Romans; and I should dread lest *your* tribunes might resemble those who formed a part of government, during the last stages of the Roman power; and whose seditious tempers occasioned them to sacrifice the republic to the interests of their passions. With *you*, the authority of the Congress must supply the place of tribunes, provided that you give to this assembly the form and credit which it ought to hold. The rich, when they perceived a body impowered to sit in judgment upon their actions, would prove guarded in their enterprises; and the people would, certainly, feel less disquiet and suspicion. The hope of re-establishing the Stadtholdership prevented the malcontents of the Low Countries from giving loose to all the violence of party. In like manner, either the hope or fear of a juridical decision

tion would calm the ragings of sedition in America. Should *your* malcontents observe themselves precluded from all opportunities of presenting any remonstrances, except such as they might address either to the legislative body, or to the magistrates invested with the executive power, they must experience the fate of the complainants at Geneva *, and despair will drive them into the

* Geneva seems hastening to her *last* plunge: a rivetted dependance upon (her *protector* !) France. Too generally, when sovereign states become *protectors*, the strict meaning of the phrase is: *shareers of the spoil* ! Perhaps, Mr. D'Ivernois (the author of "An historical and political View of the Constitution and Revolutions of Geneva, in the eighteenth Century") has truth upon his side, when, in his dedication to the French king, he observes that, had his fellow-citizens been once left to themselves ; and had ambition remained destitute of any hope, from the intervention of foreign succor, a variety of mutual sacrifices must ultimately have contributed to the restoration of peace. . . . But, the great causes of the misfortunes, which pressed so bitterly upon the Genevese, appear to have been painted with a decisive pencil, by Rousseau, whose transgressions against an aristocracy (and not his singularities) exposed him to such a virulence of persecution that, in the heat and terrors of the passions, he dreaded it from those who cherished, loved and honoured him. This zealous champion of political equality describes the citizens of Geneva, as having
per-

the adoption of the most violent resolutions. I perceive but one actual resource in favor of the Americans; and this must flow from the erection of the continental Congress into the official dignity of a supreme court of judgment, for the purpose of investigating and positively settling all the differences which may arise between the several orders of citizens belonging to the United States. Why should your legislators object to such arrangements, when they have already granted to this tribunal that most important prerogative of examining and adjusting the disputes which may arise between your republics, with respect to their territories, or any other object whatsoever*? They did

perpetually sacrificed too much to appearances and too little to essentials; as having suffered their over-anxious solicitude, in favor of a general council, to damp and to diminish a necessary zeal in their attachment to its members; and as having looked rather to the maintenance of authority than the immovable establishment of freedom! K.

* " The United States, in Congress assembled, shall also be
 " the last resort on appeal in all disputes and differences now
 " sub-

did not regard it as a derogation from either their sovereignty or their independence, when they yielded up to Congress the sole right of treating with all foreign powers; and even submitted to an exclusion from the privilege of entering, without its approbation, upon particular conventions. Were the rich to refuse obedience to the law which I beg leave to recommend, their conduct must be considered as a certain sign of their already having formed some project for the gratification of either their vanity or their ambition. I cannot avoid believing

“ subsisting, or that hereafter may arise, between two or more
“ states, concerning the boundary, jurisdiction, or any other
“ cause whatever.

“ All controversies concerning the private right of soil,
“ claimed under different grants of two or more states, whose
“ jurisdictions as they may respect such lands, and the states
“ which passed such grants are adjusted, the said grants, or
“ either of them, being at the same time claimed to have ori-
“ ginated antecedent to such settlement of jurisdiction, shall,
“ on the petition of either party to the Congress of the Unit-
“ ed States, be finally determined.”

Confederation and perpetual Union between the States
of America; art. 9. sect. 2, 3.

(and,

(and, indeed, my hopes carry me to this point) that should they feel a firm persuasion that my fears are not chimerical, they will perceive with pleasure a power arising, under your confederation, to favour systems of equality; to preserve the chief class of citizens from an ambition which, otherwise, *must* end in their destruction; and to shield the lower orders from that miserably-~~abject~~ situation, the counterblow of which *must* shortly strike, in spite of all their efforts, against the opulent.

As it is impossible that your *Amphictionic* council should pervert power to unbecoming uses, it follows that it cannot be invested with too large a share. It is not in the nature of the human heart that individuals, possessing but a transient kind of magistracy, and under the obligation of shortly returning to their usual abodes, and mingling, without distinction, amongst their fellow-citizens, should concert projects for
usur-

usurpation and for tyranny. How is it possible that the delegates of several provinces, far distant from each other; delegates but little acquainted, and, often, unconnected with their fellow-members, could so far feel themselves emboldened by the supposition of the existence of a mutual reliance, as to dare to conspire together in concert, and meditate the project of enslaving the confederation? I know that liberty should have its doubts and its inquietudes. But, it should, also, remain firm, collected and free from all chimerical apprehensions. By what singular caprice of fortune could the thirteen United States elect a *whole* set of miscreants to represent them? A second miracle! How could they understand each other? How could they preserve alive one undivided interest? How could they prevent their views and measures from rising in opposition to each other?

Upon

Upon this subject, I have, perhaps, expatiated too much. I ask your pardon. But, all the Americans (and, for *these*, I write) have not *your* elevated understanding. May I, therefore, beg leave again to examine the law by which your republics have resolved annually to send new delegates to Congress? Almost as much should I approve of ordinances enjoining them not to act rationally, on any occasion whatsoever. Previous to the period at which these fresh magistrates might have begun to know something of each other, to discover their respective pursuits, and to understand their object, their useless magistracy will expire. If you, indeed, dread the introduction, amidst your states, of fixed and constant principles of administration, you cannot, possibly, establish a better rule. Who shall answer for it that the Congress of the succeeding year will not annul and rescind all the decrees and resolutions of the present? One able, experienced, violently-persevering,
and

and eloquent individual will overfet the whole fabric of your systems. You expose yourselves to all the inconveniences experienced by the English, who change their manners, their proceedings, and their politics with every reign, and even with every new administration ; so that, in time, they know not either what they do, or what they want to execute, or what they can perform. Amidst this fluctuation, they dare not confide in government ; and thus, the spirit of intrigue prevails with a redoubled force and efficacy.

I could wish that the magistrates, invested, amidst your republics, with the executive power, might remain longer in their places than the present laws in being will permit them * ; and that, in this respect,
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* “ For the more convenient management of the general interests of the United States, delegates shall be *annually* appointed, in such manner as the legislature of each state shall
“ direct.

the regulations of the Pennsylvanians might be carried into a full accomplishment. Upon the same ground, I should actually rejoice to find that the delegates of the continental Congress were to possess, at least, during the space of three years *, their magistracies; and that this august assembly, by the aid of that succession which Pennsylvania

" direct, to meet in Congress, on the first Monday in November of every year, with a power reserved to each state to recall its delegates, or any of them, at any time within the year, and to send others in their stead for the remainder of the year."

Confederation and perpetual Union between the States of America; art. 5.

* *Perhaps*, as a reformer in England, Abbé de Mably would fight only half of our political battles. We should perceive him spiritedly contending for an equality of representation, but, dropping the point of his argument, were the necessity for the introduction of annual parliaments the case in question. Yet, his own words, at the commencement of the book † *might be wrested* into a different implication: " Representatives will stand in awe of the public opinion; and, perpetually, recollect that they must become accountable for their proceedings to their constituents. Even their mistakes will prove, at worst, a transient evil, *because their election is but annual.*" Again: "*Your magistracy is but annual, and cannot, consequently, prove dangerous to the cause of freedom.*" K.

† See pages 19, 20.

nia has established in the executive power, may never cease to renew itself, and yet retain the same maxims. Every year, the new magistrates, instead of carrying thither their own crude notions and visionary schemes, will become impregnated with the spirit of their predecessors. Soon, the administration of affairs will move forward upon a set of constant principles; and the government will acquire a decided character. You will not then experience that fatal uncertainty which agitates and disturbs the citizens who, at a loss on whom or what to place their confidence, are incapable of attaching themselves to their country; and, even in despite of their own nature, give loose to a variety of pernicious projects. Assure yourself that the model of wisdom which the assembly of the Congress will afford can never prove unserviceable to the particular magistrates of your republics. *Then*, should the American confederation (as I have too much reason to fear) become
drawn

drawn down, or pushed forward, by their commerce, into a state of aristocracy, the alteration will take place insensibly, without violence and without convulsion. Humouring by degrees the pretensions of the rich, they will not cease to protect the rights of the poor. Custom will establish that species of accommodation which it is not possible for the laws irrevocably to fix, but which habitude will render tolerable ; and, at length, consecrate. The poor, no longer vexed and harrassed, will become naturalised to their fate ; subordination will no more hurt the feelings of the mind ; and the people, continuing in a state of ease, will imagine that the distinctions which the rich enjoy are legally their right.

I could wish, also, that, at the expiration of every tenth or twelfth year, you should celebrate, as your most solemn festival, the anniversary of your independence ; the day when you declared yourselves emancipated

cipated from the yoke of England. Having returned thanks to the SOVEREIGN MASTER OF THE UNIVERSE for those favors which HE has vouchsafed to heap upon you, let the liveliest transports prevail through every quarter of the confederated states! Let illuminations, rejoicings, public sports, games and dances call every citizen to pleasure! Let the magistrates, let the opulent mix indiscriminately with the multitude! At these kinds of *Saturnalia*, let the great exhibit, by their conduct, the image of equality! Let the people *there* learn to love their country and their superiors! On this very day, let the ambassadors of each republic celebrate, in full pomp, your confederation and perpetual union in Congress! May GOD sanctify their protestations and their oaths! and may this solemn act become enrolled, amidst the ceremonies of religion, in all the churches of your different communions! May the members of Congress, at length, yielding
up

up their places to the ambassadors who represent the sovereigns, do homage to that power of which they only are the ministers; and, in the presence of the people, appealing to the ALMIGHTY, swear inviolably to respect and to administer the laws; to defend the union, and *never*, in all their resolutions and decrees, to wander in the least from justice! We have senses on which it will be requisite to strike most forcibly, in order to impart additional respect and brilliancy to those truths of which we stand in need, and which the multitude are incapable of comprehending.

I feel the utmost reason to conclude that your United States, examining, amidst the calm of peace, your laws and your situation, will, by the introduction of the happiest measures, repair, and make amends for, every inadvertency into which your earliest legislators may, unavoidably, have fallen.

During

During the moment in which a revolution, as important and as extraordinary as your own, breaks forth, it is impossible that, in the midst of fears, alarms, long-rooted prejudices, and a thousand fresh passions, the human mind should seize on abstract truths, throughout their whole extent, and acquire the art of so managing their arrangement, that they may render laws more truly beneficial. You are proceeding upon reforms, wheresoever they may appear wanting; and these are points of which you cannot, possibly, too much accelerate the accomplishment. Errors, through the lapse of time, acquire a sanction. Avail yourselves, therefore, of the present moment, in which commerce has not infected the rich with ideas of ambition and of vanity; and, in which, also, the cultivators of your lands, relying upon the perpetual stability of your laws, do not even suspect that any project can take place, to render them the victims of
 oppres-

oppression. Should those quarrels, which have so greatly raised my fears, break out previous to the completion of all your legislative views, the opportunities of applying remedies to the evil will, probably, escape, beyond redemption. Then, will it prove necessary to rest contented with *some* palliatives, which will appear, gradually, to calm the mind, but, which, not offering a certainty of ease, must expose the state to a variety of relapses, progressively increasing in misfortune; the last more wretched and alarming than the former.

Should domestic dissensions arise, in either of the United States, before the citizens may have found, amidst their constitutions, a manner, a mean of terminating them, either upon principles of cordiality, or by the rules of justice, you cannot avoid discovering that the opposing parties will have nothing to offer to each other, except words and promises;

mises; and that it is not possible to build, on the fragility of *such* foundations, a lasting peace. A general distrust must predominate amidst all parties. The one will hope to mix, hereafter, more artful caution with their conduct; and the others will regard the former with that suspicious attention which quickly grows terrified, and construes all into misfortune. Then will the peace become broken. But, who can promise that, at *such* a period, the worthy and the well-inclined can gain a patient hearing? Amongst the people the spirit of sedition is contagious. Perhaps, even some of the rich, seduced by particular considerations, will betray the cause of aristocracy, whilst the most violent disputes may prevail amidst the meetings of the multitude. Reciprocal injuries will take place; and hatred, perpetually unjust and perpetually blind, at length, decide upon the state of the republic.

It

It would but ill avail to entertain a flattering hope that some neighboring state, desirous of adjusting these disputes, should step forward, and, by an amicable interference, bring back tranquility and peace. Such mediators will not themselves escape suspicion; and the democratical party, far from regarding them with an eye of confidence, will consider them but as men jealous of the rights and privileges of aristocracy. If, under such circumstances, the Congress, not vested with an authority superior to that of which they are, already, in possession, were to send deputies, to effect a reconciliation, and re-establish harmony and friendship, is it natural to imagine that the dissenting parties would listen even to these with more reliance and respect? On the contrary, will they not perceive that this body is composed of the most leading and opulent men in the confederation, and take from this circumstance their motives for dis-

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trusting

trusting them, and even for accusing them of being more inclined to favor the pretensions of the rich than the rights and immunities of the people? Not being established judges, under the forms and sanctions of the laws; not appearing with all the majesty and ceremonials of an ancient and revered tribunal (a tribunal of which the decrees are equally beloved and feared) they can only offer to the suffering complainants the interposition of their good offices. Feeble resource! Fresh troubles will arise: and from the moment that the parties become once duped, they will withdraw their confidence for ever.

But, I expatiate too much upon the subject; and shall rest satisfied with observing that our European manners which, probably, are, at this period, too common in America, will enable money (or, in other words, the rich) to usurp and to maintain

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an absolute dominion throughout the several states. To prevent it from striking root, some weak and feeble efforts will arise; and, perhaps, it may not prove impossible, by a multitude of precautions, to prevent this empire from becoming actually tyrannical. If feeble laws have not the power to hinder the commercial bodies from seizing upon all authority; if the public morals present no succors to the people; but, strive, in vain, to set *some* limits to the rage of avarice, I must tremble at the prospect of the final rupture of all the bonds of your confederation. Trading magistrates will fix the impression of their own characters upon the republic: all the United States will follow commerce; and these occurrences will sow the seeds of your divisions and of the ruin of the continental Congress. Tainted by our vices, you, shortly, will receive a similar infection from our politics. Each of your states will imagine that every wound given to the *com-*

merce of the rest *must* prove the augmentation of the prosperity of its *own*. Thus domineering and ridiculously foolish is the passion of avarice! It will persuade you to wage hostilities in order to increase your opulence. You will become a kind of Carthage, at once warlike and commercial; and your ambition, grafted upon covetousness, will strive to play the tyrant over all the neighboring states; to treat them as subjects; perhaps, even as slaves. A rival power will start up in order to resist it. You will adopt our delusive political balance. Your treaties will sink beneath infringements; your alliances become precarious and wavering; and all your states forget their interests, to mingle in the chace of wild chimeras.

This is too much: and I should tire you by heaping proofs on proofs in favor of the justice of my fears. You know (too well
for

for *me* to make the observation) that all history would come to my support. I might describe in what manner our vices are inseparably connected with each other; yet I should not submit the slightest novelty to *your* attention. To truths like these are *you* familiarised: the consequence of a profound investigation of the human heart! No person can interest himself more than I do in the prosperity of your infant freedom, and the glory of your legislators; who may defy the language of reproach, should they convince the world that they have discovered all the rocks on which republics might be dashed away, and struggled to oppose a full resistance to that fatality which seems to have drawn out the limits which the affairs of human life can *never* pass. I offer up to Heaven my most ardent prayers for your prosperity! And, Sir! let me intreat you never to forget the protestations which I make you of my zeal for
your

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your interests, of my respect and my attachment?

Paffy, August 20th, 1783.

A P P E N -

A P P E N D I X.

PAGE 21. *The form of trials by juries; a process that includes all which the wisdom of man could have devised to establish, between the powerful and the weak, a kind of equality, or (to speak in clearer terms) an actual equality. . . . All the American constitutions have established this; but, none in a more liberal and spirited stile than that of New Jersey :*

“ The inestimable right of trial by jury shall remain confirmed, as a part of the law of this colony, *without repeal, for ever.*”

Constitution of New Jersey; art 22.

Page 35, line 12, read “ *emotion.*”

Page 120, the last line, read “ a dominion the most absolute, it, *undoubtedly.*”

Page 124. “ *Not excluded from all public offices.*”
 Concerning this matter, the constitutions (as established in 1776, 1777 and 1778) of New Hampshire, Massachusetts, Rhode-Island, Connecticut, New Jersey, and Pennsylvania appear (*if I mistake not*) to have remained silent. Others are extremely pointed on the subject :

subject : not, indeed, with respect to the privilege of voting ; but, *as far only as relates to their exclusion from civil employments.*

“ Whereas the ministers of the gospel are by their
“ profession dedicated to the service of GOD and the
“ cure of souls, and ought not to be diverted from the
“ great duties of their function : therefore, no minister
“ of the gospel, or priest of any denomination whatso-
“ ever, shall, at any time hereafter, under any pretence
“ or description whatever, be eligible to, or capable of
“ holding any civil or military office or place, within
“ this state.” Constitution of New York ; art. 39.

“ No clergyman, or preacher of the gospel, of any
“ denomination, shall be capable of holding any civil
“ office in this state, or of being a member of either of
“ the branches of the legislature, while they continue
“ in the exercise of the pastoral function.”

Constitution of Delaware ; art. 29.

“ All ministers of the gospel, of every denomination,
“ shall be incapable of being elected members of either
“ house of assembly, or the privy council.”

Constitution of Virginia.

“ No clergyman, or preacher of the gospel, of any
“ denomination, shall be capable of being a member of
“ either the senate, house of commons, or council of
“ state, while he continues in the exercise of his pasto-
“ ral function.”

Constitution of North Carolina ; art. 31.

“ Whereas

“Whereas the ministers of the gospel are, by their
 “profession, dedicated to the service of GOD and the
 “cure of souls, and ought not to be diverted from the
 “great duties of their function; therefore, no minister
 “of the gospel, or public preacher, of any religious
 “persuasion, while he continues in the exercise of his
 “pastoral function, and *for two years after*, shall be eli-
 “gible either as governor, lieutenant-governor, a mem-
 “ber of the senate, house of representatives, or privy
 “council, in this state.”

Constitution of South Carolina; art. 21.

“No clergyman, of any denomination, shall be al-
 “lowed a seat in the legislature.”

Constitution of Georgia; art. 62.

Page 128. *Perhaps, toleration may extinguish the spirit
 of controversy.*

Let the liberal reader, in whose breast the wretched
 impulse of narrow bigotry and of remorseless persecu-
 tion has never entered, determine whether the prohibi-
 tory clause, at the conclusion of the thirty-seventh ar-
 ticle of the constitution of New York, be not *intole-
 rance sufficient!*

“It is the right as well as the duty of all men in so-
 “ciety, publicly, and at stated seasons, to worship
 “the SUPREME BEING, the GREAT CREATOR, and
 “PRESERVER OF THE UNIVERSE! And no subject
 “shall be hurt, molested, or restrained in his person,
 “liberty, or estate, for worshipping GOD in the man-
 “ner

“ner and season most agreeable to the dictates of his
 “own conscience; or for his religious profession or
 “sentiments; *provided he doth not disturb the public peace,*
 “*or obstruct others in their religious worship.*”

Constitution of Massachusetts; part 1.

Does not the close of the preceding article *sufficiently*
 prevent toleration from running to a reproachable ex-
 cess?

“The constitution (of Connecticut) admits not of
 “religious establishments any farther than depends up-
 “on the voluntary choice of individuals. All men
 “professing one SUPREME BEING are equally
 “protected by the laws, and no particular sect can
 “claim pre-eminence.”

“No person shall ever within this colony be deprived
 “of the inestimable privilege of worshipping AL-
 “MIGHTY GOD in a manner agreeable to the
 “dictates of his own conscience; nor under any pre-
 “tence whatever be compelled to attend any place of
 “worship, contrary to his own faith and judgment;
 “nor shall any person within this country ever be
 “obliged to pay tithes, taxes, or any other rates, for
 “the purpose of building or repairing any other church
 “or churches, place or places of worship, or for the
 “maintenance of any minister or ministers, contrary
 “to what he believes to be right, or has deliberately
 “or voluntarily engaged to perform.”

“There shall be no establishment of any one reli-
 “gious sect of this province, in preference to another;
 “and

“ and no protestant inhabitant of this country shall be
 “ denied the enjoyment of any civil right, merely on
 “ account of his religious principles ; but, all persons,
 “ professing a belief in the faith of any protestant sect,
 “ who shall demean themselves peaceably under the go-
 “ vernment as hereby established, shall be capable of
 “ being elected into any office of profit or trust, or being
 “ a member of either branch of the legislature; and
 “ shall fully and freely enjoy every privilege and im-
 “ munity enjoyed by other their fellow-subjects.”

Constitution of New Jersey ; art. 18, 19.

“ All men have a natural and unalienable right to
 “ worship ALMIGHTY GOD according to the dictates
 “ of their own consciences and understanding : and that
 “ no man ought, or of right can be compelled to attend
 “ any religious worship, or maintain any ministry, con-
 “ trary to, or against his own free will and consent : nor
 “ can any man, who acknowledges the being of a God,
 “ be justly deprived or abridged of any civil right as a
 “ citizen, on account of his religious sentiments, or
 “ peculiar mode of religious worship.”

Constitution of Pennsylvania ; chap. 1. art. 2.

“ All persons professing the Christian religion ought
 “ for ever to enjoy equal rights and privileges in this
 “ state, unless, under colour of religion, any man disturb the
 “ peace, the happiness, or safety of society.”

Delaware Declaration of Rights ; art. 3.

Surely, this restraint is, also, *sufficient* in any opinion,
 not criminally tainted by a passion for intolerance !

“There shall be no establishment of any one religious sect in preference to another.”

Constitution of Delaware; art. 29.

“As it is the duty of every man to worship God in such manner as he thinks most acceptable to him, all persons professing the Christian religion are equally intitled to protection in their religious liberty; wherefore no person ought, by any law, to be molested in his person or estate, on account of his religious persuasion or profession, or for his religious practice; unless, under colour of religion, any man shall disturb the good order, peace, or safety of the state, or shall infringe the laws of morality, or injure others in their natural, civil, or religious rights.”

Constitution of Maryland; art. 33.

“There shall be no establishment of any one religious church or denomination in this state in preference to any other; neither shall any person, on any pretence whatsoever, be compelled to attend any place of worship contrary to his own faith or judgment, . . . but, all persons shall be at liberty to exercise their own mode of worship . . . provided that nothing herein contained shall be construed to exempt preachers of treasonable or seditious discourses from legal trial or punishment.”

Constitution of North Carolina; sect. 34.

“All persons whatever shall have the free exercise of their religion, provided it be not repugnant to the peace and safety of the state.”

Constitution of Georgia; art. 56.

Page 132. Since (South) Carolina permits every wild reformer of twenty-one to aspire to this honor (of becoming the chief of a sect) by having recourse to the imagination and the ignorance of fourteen as infatuated as himself, she may rest assured that, instead of being limited to one natural religion, she shall become surrounded by enthusiasts and fanatics.

Might I venture to dissent from the opinions of so celebrated a politician as Abbé de Mably, I should insinuate that "the legislators of South Carolina have not wanted more than all others from the principles to which a sound policy will adhere, whensoever a necessity arises for tolerating a number of religions." But, if his arguments can invalidate the passages which follow (passages descriptive of the inflexible, yet gentle spirit that gives religious liberty the *virtuous* plenitude of its career, and, with the same decisive hand, draws out a boundary to check its *criminal* eccentricities) I should prove guilty of the most unpardonable presumption, by endeavouring to oppose them,

"All persons and religious societies, who acknowledge that there is one God, and a future state of rewards and punishments, and that God is publicly to be worshipped, shall be freely tolerated. *The Christian protestant religion shall be deemed, and, is hereby constituted and declared to be the established religion of this state.* All denominations of Christian Protestants in this state, demeaning themselves peaceably and faithfully, shall enjoy equal religious and civil privileges. To accomplish this desirable purpose, without injury to the religious property of those societies of Christians

“ tians which are by law already incorporated for the
 “ purposes of religious worship; and to put it fully into
 “ the power of every other society of Christian Protef-
 “ tants, either already formed, or hereafter to be form-
 “ ed, to obtain the like incorporation, it is hereby
 “ constituted, appointed, and declared, that the respec-
 “ tive societies of the church of England, that are al-
 “ ready formed, in this state, for the purposes of reli-
 “ gious worship, shall still continue incorporate, and
 “ hold the religious property now in their possession.
 “ And whenever fifteen or more male persons, not un-
 “ der twenty-one years of age, professing the Christian
 “ protestant religion, and agreeing to unite themselves
 “ in a society, for the purposes of religious worship,
 “ they shall (on complying with the terms herein after
 “ mentioned) be, and be constituted, a church, and be
 “ esteemed and regarded in law, as of the established
 “ religion of the state, and, on a petition to the legisla-
 “ ture, shall be intitled to be incorporated and to enjoy
 “ equal privileges. Every society of Christians so form-
 “ ed, shall give themselves a name or denomination by
 “ which they shall be called and known in law; and
 “ all that associate with them for the purposes of wor-
 “ ship, shall be esteemed as belonging to the society so
 “ called: but, previous to the establishment and in-
 “ corporation of the respective societies of every de-
 “ nomination, as aforesaid, and, in order to intitle
 “ them thereto, each society, so petitioning, shall have
 “ agreed to, and subscribed in a book, the following
 “ five articles, *without which, no agreement of union of*
 “ *men, upon pretence of religion, shall intitle them to be*
 “ *incorporated, and esteemed as a church of the established*
 “ *religion of this state.*

“ First,

“ First, *That there is ONE ETERNAL GOD, and a future state of rewards and punishments.*”

“ Second, *That GOD is publicly to be worshipped.*”

“ Third, *That the Christian religion is the true religion.*”

“ Fourth, *That the Holy Scriptures of the Old and New Testament are of divine inspiration, and are the rule of faith and practice.*”

“ Fifth, *That it is lawful, and the duty of every man, being thereunto called by those that govern, to bear witness to the truth.*”

“ Every inhabitant of this state, when called to make an appeal to GOD, as a WITNESS to truth, shall be permitted to do it in that way which is most agreeable to the dictates of his own conscience.”

“ Every minister, chosen by an established church or society, shall *first* subscribe the following declaration, over and above the aforesaid five articles :

“ That he is determined, by GOD’s grace, out of the holy scriptures, to instruct the people committed to his charge, and to teach nothing (as required of necessity to eternal salvation) but that which he shall be persuaded may be concluded and proved from scripture : that he will use both public and private admonitions, as well to the sick as to the whole within his cure, as need shall require, and occasion shall be
“ given ;

“ given ; and that he will be diligent in prayers, and
 “ in reading the holy scriptures, and in such studies as
 “ help to the knowledge of the same ; that he will be
 “ diligent to frame and fashion his own self and his fa-
 “ mily according to the doctrine of *Christ*, and to make
 “ both himself and them, as much as in him lieth, whole-
 “ some examples and patterns to the flock of *Christ* ;
 “ that he will maintain and set forwards, as much as he
 “ can, quietness, peace and love amongst all people,
 “ and especially among those that are or shall be com-
 “ mitted to his charge.”

“ No person shall disturb or molest any religious as-
 “ sembly, nor shall use any reproachful, reviling, or
 “ abusive language, against any church, *this being the*
 “ *certain way of disturbing the peace, and of hindering the*
 “ *conversion of any to the truth, by engaging them in quar-*
 “ *rels and animosities, to the hatred of the professors, and*
 “ *that profession which, otherwise, they might be brought*
 “ *to assent to.* No person whatsoever shall speak any
 “ thing in their religious assembly, irreverently and se-
 “ ditiously, of the government of this state.”

Constitution of South Carolina ; sect. 38.

All this is not steering at too great a distance from
 persecution : persecution that has, with few exceptions,
 imparted life and vigor to the religions which, stimulated
 by absurd barbarity, it struggled to extirpate. What has
 more cemented the edifice of our religious liberty than
 the numerous martyrdoms, during the *short* reign of Mary ;
 a consort worthy of her lord ? ! *Each* of these horrid ex-
 ecutions was (as Mr. Hume pertinently observes) equi-
 valent

valent to an hundred sermons against popery. And propheticall were the words in which the spirited and pious old Latimer (bishop of Worcester) addressed his fellow-sufferer, Ridley, at the stake : “ *Cheer up, good brother ! we shall, this day, kindle such a torch in England as (I trust in God) will never be extinguished.*”

Page 140, line 2, read “ the more indisputably to confirm.”

Page 155. “ *The superior legislative talents of Abbé de Mably may frame edicts more unexceptionable than the following :*”

“ It is essential to the preservation of the rights of every individual, his life, liberty, property and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but, for the security of the rights of the people and of every citizen, that the judges of the supreme judicial court should hold their offices *as long as they behave themselves well*; and that they should have honourable salaries, ascertained and established by standing laws.”

Constitution of Massachusetts ; part 1. art. 29.

“ The chancellor, the judges of the supreme court, and the first judge of the county-court in every county, hold their offices, *during good behaviour*, or until

N n

“ they

“ they shall have respectively attained the age of sixty
“ years.”

Constitution of New York ; art. 24.

“ The independency and uprightness of judges are
“ essential to the impartial administration of justice, and
“ a great security to the rights and liberties of the peo-
“ ple.”

Constitution of Delaware ; art. 22.

Page 157, lines 6, 7, instead of “ lay snares in order”
read “ lay snares to entrap.”

Page 158, line 12, read “ *intrigue*.”

Page 162, last line, read “ *Pennsylvania*.”

Page 163, line 20, read “ *legislature*.”

Page 187. “ *Plead in favor of the abolition of the slave
“ trade.*”

To the names of Mr. Day and Mr. Ramsay, may we
add that of Mr. Granville Sharp ; a warm champion in
the defence of the severally-violated privileges of huma-
nity. Indefatigable upon his object, he seems to have
moved heaven and earth for the sake of his fellow-crea-
tures, languishing beneath a state of ignominious and
cruel bondage. Let us wish him what he would deem
his richest recompence : the fulness of success. . . It has
been mentioned (and, most earnestly do we hope, in both
cases,

cases, from authority) that "the laws lately enacted in
 "Pennsylvania *strike at the root of slavery*; and that all
 "slaves are to be declared free at the age of twenty-
 "eight years:" that "the assembly of the province of
 "Rhode island, in consequence of application from the
 "Quakers" (a sect with whom such efforts of humanity
 are congenial) "have made a law to prohibit all future
 "importation and exportation of slaves to, or from that
 "state, without their own consent, declaring *all* free
 "who may be born after the date thereof, and allowing
 "the manumission of healthy slaves under the age of
 "forty years, who (should they afterwards become
 "chargeable) are to receive support, as other poor."
 This is striking *matter* to "the root of slavery:" but,
nearest is the following, which deserves to be written
 in characters of gold:

"No person hereafter imported into this state from
 "Africa, ought to be held in slavery, *under any pretence*
 "whatever; and no Negro, Indian, or Mulatto slave
 "ought to be brought into this state for sale, *from any*
 "part of the world."

Constitution of Delaware; art. 26. Sept. 20, 1776.

We wish that it were possible to follow up this excel-
 lent quotation with others, *of the same date*, from the
 forms of government established by the remaining Unit-
 ed Provinces of America.

We close this interesting subject with an extract from
 observations written by one of the most virtuous and en-
 lightened characters within the kingdom: observations

too valuable to remain (as they *appear* hitherto to have remained) *not actually published*, but, set apart for the exclusive inspection of the citizens of an infant empire, and of *some* particular friends.

“ The NEGRO TRADE cannot be censured in language too severe. It is a traffic which, as it has been hitherto carried on, is shocking to humanity, cruel, wicked and diabolical. I am happy to find that the United States are entering into measures for discountenancing it, and for abolishing the odious slavery which it has introduced. *Till they have done this, it will not appear they deserve the liberty for which they have been contending. For, it is self-evident, that if there are any men whom they have a right to hold in slavery, there may be OTHERS who have had a right to hold THEM in slavery.* I am sensible, however, that this is a work which they cannot accomplish at once. The emancipation of the Negroes must (I suppose) be left in some measure, to be the effect of time and of manners. But, nothing can excuse the United States, if it is not done with as much speed, and, at the same time, with as much effect, as their particular circumstances and situation will allow. I rejoice that, on this occasion, I can recommend to them the example of my own country. In *Britain*, a *Negro* becomes a *freeman* the moment he sets his foot on *British* ground.”

Page 208, line 6, read “ *Cromwell*.”

The

The seventh article of the sixth chapter of the second section of the constitution of Massachusetts declares :

“ That the privilege and benefit of the writ of *Habeas Corpus* shall be enjoyed in this commonwealth, in the most free, easy, cheap, expeditious and ample manner, and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months.”

This is not the place to enter into a discussion concerning the tendency of the exception in the foregoing clause. It rests with the Americans to keep in view some late opinions (important when we consider the virtuous and enlightened quarters from whence they issued) respecting the suspension of an Habeas Corpus Act.

It is impossible to conclude this appendix, without intimating a fervent hope (for the sake of those, who *once* were friends and fellow-subjects; and, *now*, as fellow-creatures, have claims upon the best of our wishes) that, if the following excellent laws are *hitherto* confined to particular constitutions, they may speedily enter into all the codes of the American confederation !

“ The expences of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave.”

Constitution of Massachusetts; chap. i. sect. 3. art. 2.

“ The

“ The estates of such persons as shall destroy their
 “ own lives, shall not, for that offence, be forfeited ;
 “ but shall descend in the same manner as they would
 “ have done, had such persons died in the natural way ;
 “ nor shall any article which may occasion accidentally
 “ the death of any one be henceforth deemed a *druid*,
 “ or in any wise forfeited on account of such misfortune.”

Constitution of New Jersey ; art. 17.

“ All men have a natural, inherent right to emigrate
 “ from one state to another that will receive them, or
 “ to form a new state in vacant countries, or in such
 “ countries as they can purchase, whenever they think
 “ that they thereby may promote their own happiness.”

Constitution of Pennsylvania ; art. 15.

“ The person of a debtor, *where there is not a strong*
 “ *presumption of fraud*, shall not be continued in prison,
 “ after delivering up, *bona fide*, all his estate, real and
 “ personal, for the use of his creditors, in such manner
 “ as shall be hereafter regulated by law. . . . All pri-
 “ soners shall be bailable by sufficient sureties, *unless for*
 “ *capital offences, where the proof is evident, or presump-*
 “ *tion great.*”

Constitution of Pennsylvania ; sect. 28.

“ The inhabitants of this state shall have liberty to
 “ sow and hunt in seasonable times, on the lands they
 “ hold, and on all other lands therein not inclosed ;
 “ and, in like manner, to fish in all boatable waters,
 “ and others, not private property.”

Constitution of Pennsylvania ; sect. 43.

“ There

“ There ought to be no forfeiture of any part of the
“ estate of any person, for any crime, except murder,
“ or treason against the state, and then only on con-
“ viction and attainder.”

Constitution of Maryland ; art. 24.

The beneficent course of this law might have proceeded to a greater length. Why should heirs and branches of a family, not involved in the crimes and transgressions of the head of it, become excluded from the *merited* enjoyment of a patrimony.

“ Monopolies are odious ; contrary to the spirit of a
“ free government and the principles of commerce ;
“ and ought not to be suffered.”

Constitution of Maryland ; art. 39.

“ The governor, every member of the council, and
“ every judge and justice, before they act as such shall
“ respectively take an oath : That he will not, through
“ favor, affection, or partiality, vote for any person to
“ office ; and that he will vote for such person as in his
“ judgment and conscience he believes most fit and best
“ qualified for the office ; and that he has not made,
“ nor will make, any promise or engagement to give his
“ vote or interest in favor of any person.”

Constitution of Maryland ; art. 50.

“ Perpetuities and monopolies are contrary to the
“ genius of a free state, and ought not to be allowed.”

Constitution of North Carolina ; art. 23.

“ The

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“ The principles of the *Habeas Corpus* act shall be
“ part of this constitution”

Of Georgia; art. 60.

K.

T H E E N D.

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